



# CORRESPONDENCE

REGARDING THE , S

## SUCCESSION CHIEFSHIP

TO THE

## CHIEFSHIP OF KEROWLEE.

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1863.



## P A P E R S

REGARDING THE

## SUCCESSION TO THE KEROWLEE CHIEFSHIP.

Copy of a Despatch to the Hon'ble the Court of Directors,—(No. 56,  
dated the 7th September 1852.)

WE have the honor to transmit a copy of a correspond-

ence with the Governor General's Agent in Rajpootana, respecting the succession to the Chiefship of Kerowlee, together with copies of the

From Agent, Rajpootana, dated 29th June.

To " " " 20th July.

From " " " 17th "

" " " 21st "

" " " 22nd "

" " " 24th "

Minute by the Governor General, dated 30th August.

" " " Hon'ble Sir F. Currie, " 31st "

" " " J. Lewis, " 2nd September.

" " " Governor General, " 3rd "

Minutes recorded thereon, as noted in the margin.

Maharajah Nursing Pal, the young Chief of Kerowlee, died on the 10th of July, adopting, on the day before his death, a boy who is a distant kinsman. Colonel Low has strongly recommended that the adoption should be recognized, and he has urged that the recognition should be declared at once; but with advertence to the orders of your Hon'ble Court respecting adoptions by Native Princes, as communicated to us in your Despatch, dated 24th January 1849, and to the principle laid down therein, it has



whether we were at liberty to confirm this  
your previous sanction.

Your Hon'ble Court will observe that the Governor General and Mr. Lowis consider the arguments adduced by them, in their Minutes, to preponderate in favor of declaring Kerowlee a lapsed State, while Sir Frederick Currie is against such a measure. We beg to refer your Hon'ble Court to the several Minutes in which both the right and the policy of the proposed arrangements are fully discussed, and we shall await your instructions, which we hope to receive at an early date.

Meanwhile the Governor General's Agent in Rajpootana has been informed that we have referred the decision of the question to your Hon'ble Court, and Colonel Low has been instructed to enjoin on all the leading persons of this State the observance of the most perfect tranquillity until the decision of your Hon'ble Court be received.

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Copy of a Minute by the Most Noble the Governor General,—(dated the  
30th August 1852.)

THE Rajah of Kerowlee, a boy of 15 years old, has died, adopting, on the day before his death, another boy, a very distant kinsman.

The Governor General's Agent, Colonel Low, strongly recommends that the adoption should be recognized, and urges that the recognition should be declared at once.

But under the orders of the Court of Directors respecting adoption by Native Princes, communicated to the

Government of India in their Despatch, dated 24th January 1849, and having regard to the principles laid down therein, I question whether we are at liberty to confirm this adoption without the previous sanction of the Court.

Colonel Low states that he is able, from personal knowledge, to give assurance that Sir C. Metcalfe, by whom the existing Treaty with Kerowlee was made, intended to place that State on the same footing as every other Hindoo Principality; and he adds, "we know beyond all doubt when a head of a Hindoo family departs this life without children, that an adopted child is always considered to occupy exactly the same position, and to possess precisely the same right, as a legitimate and acknowledged son would have done."

The Court of Directors have acknowledged the principle laid down in these words so far as all private property or private rights are concerned; but they have denied the validity of an adoption for conveying succession to a throne and to the rights of sovereignty, unless the adoption shall have received the sanction of the supreme power.

This principle was asserted in the case of the State of Sattara in 1849. The circumstances of Kerowlee appear to me to resemble those of Sattara in all essential particulars.

Kerowlee is a small Rajpoot State near Kotah.

A Treaty was made with it by the British Government in 1817. The supremacy of the British Government was practically declared therein by its remission of the tribute payable to the Peishwa, whose rights had passed to us; and

it was, moreover, specifically acknowledged by Kerowlee in the 3rd Article of the Treaty.

The revenues of the State amount to about four lakhs a year; it is burdened with a debt of more than six lakhs, of which one lakh and a quarter are due to the British Government.

The confusion and misgovernment which prevailed, rendered it necessary for us to assume the management of the country some time ago, and it is now under the charge of Mr. Monck Mason.

The boy adopted is of a very distant branch of the family; and the adoption is admitted to have been voluntary and regular.

These are the facts of the case:—

The supremacy of the British Government over Kerowlee being established by Treaty, its sanction is confessedly necessary to the validity of the adoption for conveying the succession to the throne of Kerowlee.

The question is whether that consent can justly or properly be withheld. According to the decision delivered in the case of Sattara, I consider that it is clearly competent to the Government of India to withhold its sanction, if it shall think proper.

The Treaty with Kerowlee is made with the “Rajah and his descendants,” admitting that the word “descendants”

was meant to bear, and does bear, the same signification as "heirs and successors" (which Colonel Low asserts, but which may be disputed); still the right of the British Government to withhold its sanction to the adoption in this case is clear. For in the case of Sattara it was decided by the Court of Directors that a guarantee of the succession to "heirs and successors" extended only to natural heirs, and not to an adopted child.

Since, then, the proposed successor of the late Rajah is neither his natural heir, nor a descendant of the Rajah with whom the Treaty was made in 1817, I am of opinion that, on every ground, the Government of India is justly and properly entitled to refuse to recognize him, if it is thought expedient for the general interests of the Empire to do so.

In the Minute upon the case of Sattara in 1848, I recorded my own opinion that the British Government should not neglect such rightful opportunities as might occur, of extending its rule over Native States which fell to its disposal, either by total lapse, or by the succession depending on the recognition of an adoption. I did not advise that adoption should universally be refused the sanction of the Government; but I was of opinion that it should not be admitted in States which recognized formally the supremacy of the British Government in India, unless strong political reasons should recommend the exception in any particular case or cases.

We have to consider whether there are any political reasons which should induce the Government of India

to forego the right it possesses of refusing confirmation to the adoption of an heir to his throne by the deceased Rajah of Kerowlee.

The arguments in favor of disallowing the adoption, or of recognizing it, may be shortly set forth.

The State of Kerowlee has not entitled itself to favorable consideration by the British Government, for it has been troublesome, and inclined to be turbulent.

Its internal Government has not been of such a character as to lead to the presumption that a continuance of the Native Government there will be for the advantage of its people. For, as I have already stated, the administration was so bad, that we were compelled to take it into our own hands, for the sake of the State itself and of the general tranquillity.

It is not an inducement to the Government to continue the succession in the present family, that the nearest kinsman to the late Rajah is more than suspected of having caused His Highness's death by poison.

And although that kinsman is not the proposed successor, there seems as little reason to continue the succession in the person of a young boy, so remote of kin, that it is difficult to state his relationship,—so remote that his ancestor's name has never, until now, appeared in the pedigree of the family submitted to the Government.

For many years to come we shall have to bear the labor of governing this State, employing, always at incon-

venience, a British Officer for the purpose; and at the end of those years we shall, if the adoption be sanctioned, hand over the country with its revenue of four lakhs, only to see it, in all probability, fall again into the same system of improvidence and misrule which has long prevailed under its Native Princes.

These considerations would seem to urge the Government to declare Kerowlee a lapsed State, and at once to reduce it to submission and order, which, in such case, would be permanent.

On the other hand, the State is isolated, and would not consolidate our territories, as in the case of Sattara; though not a very old State, still it is a Rajpoot Principality, and, unlike the existing Mahratta and Mahomedan dynasties, has the claim of antiquity in its favor.

The refusal of sanction to adoption in the case of Kerowlee might create alarm and dissatisfaction in the elder and more powerful States in Rajpootana, as being apparently significant of the intentions of the British Government towards themselves.

Such an alarm would be unfounded; for I presume that the Government of India would not at any time be disposed to interfere with the customary mode of succession among these old Rajpoot States, whose antiquity, whose position and feelings, would all make it our policy to leave them in the possession of such independence as they now enjoy. But although the alarm would be unfounded, it may possibly be considered undesirable to

run any risk of exciting it, by refusing to allow the adoption in Kerowlee.

Lastly, it may be urged that the Government of India cannot refuse sanction to this adoption, because it has twice recognized adoptions by the Rajahs of Kerowlee since 1817.

The adoptions were certainly recognized; but upon the last occasion only with reluctance, and not till after hesitation and long delay.

The arguments appear to me to preponderate in favor of causing Kerowlee to lapse; but as the Hon'ble Court may desire to continue the succession on the ground of its being a Rajpoot State, I do not propose to refuse at once the sanction of the Government to the adoption, but to refer it to the Court of Directors, soliciting an immediate reply.

An immediate declaration of the final intentions of Government, for which Colonel Low presses, would, no doubt, be very desirable, if there were not good reasons for withholding it; and I see no more risk to the peace of Kerowlee in withholding it upon this occasion, than there was upon the similar occasion a few years ago, especially as the Kotah Contingent is already there, and assistance can be obtained from Nusseerabad if necessary.

The reference to the Court should be made by the ensuing mail.

It will be sufficient to inform the Governor General's Agent that the views expressed by him regarding the clear

right of adoption by the Rajah of a successor to his Principality, are not in accordance with the principle laid down by the Hon'ble Court of Directors in 1849. The Governor General in Council, therefore, does not feel himself justified in confirming the adoption without a reference to the Court of Directors as before. He will inform the family and the leading persons at Kerowlee that a reference has been so made, as upon the death of the Rajah in 1848; and he will enjoin upon them the observance of perfect tranquillity till the decision of the Court shall be received.

The Governor General's Agent has already taken precautions for preserving the peace of the country by the Military arrangements that have been made. If the duty is found to press heavily upon the Kotah Contingent, the Agent may obtain aid from Nusseerabad, or perhaps borrow a Regiment from Scindiah's Contingent.

The Government of India may express with propriety its full concurrence in the praises bestowed by Colonel Low upon Mr. Monck Mason, for the judgment, decision, and ability he has shown in these affairs.

The letter to Colonel Low may be sent under flying seal to Mr. Mason, in order to save time, as Colonel Low has suggested.

(Sd.) DALHOUSIE.

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Copy of a Minute by the HON'BLE SIR F. CURRIE, BART.,—(dated the 31st August 1852.)

THE Most Noble the Governor General has decided that the question of succession to the Chiefship of this Principality, shall not be determined in this country but by the Court of Directors. Still it seems necessary that, as a Member of the Government, I should record my view as to the propriety of confirming the adoption which has been made by the late Maharajah, and as to the disposal of the State, in the event of that adoption being set aside.

After full consideration of the facts set forth in these papers, of the arguments contained in the printed Sattara correspondence, and of the Governor General's Minute of yesterday's date on the Kerowlee succession, I am obliged to differ from His Lordship as to the course which justice and policy, in my opinion, demand that we should adopt on this occasion.

The question is a very important one. Not so much with respect to the interests of this small Principality, or ours in connection with it, but as opening the question of the nature of our paramount rights in regard to the ancient sovereignties of Rajpootana, which is involved in its decision, and in reference to the feelings with which the decision will be viewed by the Rajpoot States throughout Central India.

I think that the arguments which were used in considering the Sattara question are, in many points, not applicable to that now before us. There is little analogy between the position of the Mahratta States generally to us as the

paramount power, and the Rajpoot Principalities, and far less in regard to that of the late Sattara Raj.

The Mahratta dynasty was one of *recent usurpation*. The Sattara Principality was, in its resuscitated state, the offspring of our own gratuitous benevolence. The British Government bestowed a portion of the territory, which it had acquired by right of conquest, on the titular Rajah, whom we found in a prison; and subsequently, on account of his misconduct, set him aside in favor of his brother; and on the death of that brother, there being no natural heir to the immediate object of our bounty, and the Government not being disposed to recognize an adopted one, we resumed the territory which *we* had bestowed, and incorporated it in our own possessions.\*

\* Despatch of Court of Directors, dated 24th January 1819, paragraph 9.

The ancient Rajpoot Princes stand in a very different position in regard to our paramourtry, whether this be considered as derived from the Emperors of Delhi, or as appertaining to us as the *de facto* rulers of the Indian Continent.

Kerowlee is a small and inconsiderable out-lying State; but it is one of the old Rajpoot Principalities, in Treaty relations with us similar to those of the larger ones; and the treatment it may receive, at the present juncture, will involve the principle in which all other Rajpoot States *may* be treated hereafter.

I will first consider the adoption which has been reported to us by Colonel Low.

It is admitted by all that this adoption was made in due form. Some days before the death of the Maharajah it was communicated, in the usual manner, to the representative of the British Government: the customary khureeta to the Governor General was formally written and sealed by the Maharajah, and nothing can be objected to the boy, who is a distant relative of the late Maharajah, and a lineal descendant from the founder of the Kerowlee Raj. Nothing seems to me to be wanting to the legal completeness of the adoption, except, it may be argued, the formal recognition of the paramount power.

I think the Governor General, in stating the general principle of the necessity for recognition by the supreme power, in the 3rd paragraph of the Minute of yesterday's date, has gone far beyond the statement of the Court of Directors, contained in paragraph 8 of the Despatch of 24th January 1849, to which His Lordship refers. The Court's Despatch declares, "that, by the general law and custom of India, a dependant Principality, *like that of Sattara*, cannot pass, &c., &c.;" but no more.

I will admit, however, that the general law and custom of India do usually require the recognition of the paramount power, to the adoption of an heir of a dependant or protected Principality; but so do the law and custom require the same recognition to the succession of a natural heir, and I am not prepared to admit that the supreme power is more competent to withhold its recognition of the one than of the other. The setting aside of either must be an extraordinary act, adopted only on special considerations.

I concur, therefore, with the Governor General's Agent, that the adoption in this case, by Maharajah Nursing Pal, of the boy Bhurt Pal, should, as an act of justice, be confirmed and ~~recognized~~.

But supposing it to be determined that the Government of India is not bound to recognize this adoption, and that circumstances are considered to exist rendering it expedient to disallow it, it seems to me impossible that we can, on that plea, with any semblance of good faith and fidelity to Treaty, declare the territory to be *ours*, and, as in the case of Sattara, annex it to the British dominions.

The Kerowlee Treaty is not one of a personal character between the British Government and Maharajah Hurbuksh Pal and the heirs of his body. It is a Treaty, in my view at least, between the British Government and the Kerowlee State; the name of Hurbuksh Pal does not once occur in any Article of the Treaty. The engagement is between the British Government on the one hand, and the Kerowlee *Government* on the other; the contracting party, in each case, being the representative for the time being of the respective Government.

It is true the English version of the Treaty has, in Article I., the words "the Rajah of Kerowlee and his *descendants*;" but the Persian version of the same Article, which bears the seal and signatures of the contracting parties, and a note by Dr. Adam of the ratification of the Governor General, was "*between the two Governments, from generation to generation for ever.*"

It is clear that it was not the intention of the Treaty to confine and limit the succession by the literal meaning of the English word "descendant." Neither Colonel Low's personal testimony, nor the express terms of the Persian version, are required to prove this. For Rajah Hurbuksh Pal had no descendant, in the literal sense of the term, when the Treaty was made, and *never* had one; but the adoption of Pertab Pal, as his successor, was recognized. In like manner, Pertab Pal had no descendant; but the adoption of Nursing Pal was unquestioned, and the lad whom Nursing Pal has now adopted stands in precisely the same relation, collaterally, to him, in which he stood to Pertab Pal.

It is evident to me, therefore, that as long as there is in existence a legal heir to the guddee, as lineally descended from Dhurum Pal, the first known Chief of Kerowlee, we cannot claim the territories of Kerowlee as a lapse to the British Government.

I am disposed to think that this latter point has not been adverted to by the Governor General. His Lordship makes no mention of it in his Minutes, and I know that His Lordship's strict sense of justice, and scrupulous feelings in regard to fidelity to Treaties, would prevent his advocating, for a moment, the appropriation of territories to which he conceived that another party had a just, or would adduce even a doubtful, claim.

With my views of the justice of this question, I need hardly say that I think no argument of policy would warrant our annexing these territories; but I think that the recognition of the adoption will be not only just, but politic.

The next heir, failing the adoption, seems to be Sooruth Pal, the father of Muddun Pal, who is strongly suspected of having compassed the death of the late Maharajah; we know that Muddun Pal is ready to claim the guddec, and we must either allow his succession, or take steps to prove his delinquency, and unfitness, on that score, to succeed; but having done that, we must acknowledge the *next* heir: there are plenty, it seems, in existence.

If we recognize the adoption, we may take entire charge of the property in behalf of the minor. This will enable us to put the administration on a better footing than it has been of late years, and to make arrangements for the payment of the debt due to us, and also, perhaps, for the liquidation of the claims of the other creditors; the superintendence should not be made a charge to us, but the whole cost should be defrayed from the revenues of the State.

I think the Chiefs of Rajpootana will await, with some anxiety, the settlement of this question. I trust, therefore, that the Court of Directors will not delay their decision, and I think that nothing should be said to Mr. Monck Mason, or to the Governor General's Agent, to lead to the supposition that the recognition of the adoption will not be eventually communicated.

(Sd.) F. CURRIE.

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Copy of a Minute by the HON'BLE J. LOWIS,—(dated the 2nd September 1852.)

THERE are two points in this case of the Kerowlee succession, one involving the right, the other the expediency, of setting aside the adoption made by the late Rajah.

After giving the whole subject my best consideration, I am of opinion that the decision of the Hon'ble Court on the Sattara succession must govern this case; and I agree, therefore, with the Most Noble the Governor General in thinking that we have a right to set aside the adoption.

It does not appear to me that the antecedent history or condition of those Principalities really affects the question now before us, because the Treaties with the two States are what we have alone to deal with; and the first Article of the Sattara Treaty, in which the British Government agrees to cede, "in perpetual sovereignty, to the Rajah of Sattara, his heirs, and successors, the districts specified on," does confer, and must be held to confer, upon the Rajah of Sattara, quite as full a title of sovereignty as was possessed by the former Rajahs of Kerowlee under the Peishwa; and we must look at the other Articles of the two Treaties to see in what way or degree the plenary sovereign rights conferred, or antecedently existing, were, in each case, limited. Some stress, I perceive, is laid on the wording of the first Article of the Kerowlee Treaty, and my Hon'ble colleague, Sir F. Currie, adverts to a discrepancy between the English and Persian versions; but the point, I respectfully submit, is of no consequence, because all that the first Article does is to declare that the Treaty itself is to be perpetual, and the real gist of the matter lies in the

force and meaning of the terms employed in the second and third Articles.

In the former of these, the *Raj* is placed under the protection of the British Government (*hifazut*, care, custody, is the term used), and in the latter the *Rajah* acknowledges the supremacy of the British Government (the Persian term used is "*Ilal*," obedience, subjection); and the question is, whether these terms, coupled with the remission of the tribute, as made in the fourth Article, are sufficient to prove that the two States stand to each other relatively in the position of paramount and dependent States? In my opinion, they do this fully. They acknowledge plainly the paramount authority of the British Government within the meaning of the term, as used in the proceedings regarding Sattara; and I hold, therefore, that the authoritative decision of the highest authority in the one case must govern the decision of this other, now under discussion.

The question of expediency is not quite so clear to me; as a general rule, I think that it is a wise policy, in all points of view, both as regards the Government and the people, to consolidate our Empire, and to absorb these isolated and ill-governed Principalities, when it can be done without injustice; but I am not sufficiently well versed in the politics of Rajpootana to be able to say with confidence whether, on the present occasion, we might not, with propriety, abstain from exercising a just right and carrying out a sound principle. I must say, however, that, as far as the correspondence now before us goes, there is nothing which satisfies me that



any local expediency calls for such an abandonment of what I believe to be the right course. On this point, also, I, therefore, concur with the Most Noble the Governor General; but, pending the reference to the Hon'ble Court, I should be glad that Colonel Low had an opportunity of stating more at length his reasons for thinking that the absorption of Kerowlee would be impolitic and inexpedient.

(Sd.) J. LOWIS.

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Copy of a Minute by the Most Noble the Governor General,—(dated the 3rd September 1852.)

I SHOULD have proposed, according to our usual custom when there is any difference of opinion, to reserve this question for consideration in Council; but as we all agree that it is desirable to obtain the decision of the Court of Directors upon the Kerowlee adoption as soon as possible, and as the mail goes on the 8th, I beg to add a few words upon record.

There is a double question, as Mr. Lowis observes, in this case of Kerowlee, a question of right and a question of policy.

After considering the arguments of Sir F. Currie, I still think that the right is clear of withholding confirmation, founded upon the decision of the Hon'ble Court in 1849.

That decision, as I construe it, did not rule merely

as to cases exactly corresponding with that of Sattara. It ruled generally that all "dependent" States required the sanction of the supreme power to any adoption proposed by them.

The State of Kerowlee is, by its own admission, not only dependent on, but subject to, the British Government.

Therefore an adoption by Kerowlee must ever be made subject to the right of the British Government to confirm or to annul it, as it might judge right.

In regard to the question of policy, I still think, as before, that, on the whole, the arguments for assumption of the country preponderate. I do not conceive that, whether we take the wording of the English or of the Persian version of the Treaty, the intention of it was to recognize all heirs of the original founder of the Raj, or any other than the heirs of the Rajah with whom it was made; nor do I think that it would be an impolitic act, or one attended with risk, if the Government of India were to take possession of Kerowlee at once.

At the same time I freely admit that the continuance of the Raj would be a measure calculated to re-assure and to conciliate the good-will of the States of Rajpootana.

Briefly stated, then, my opinion is, that, after the declaration of the Court of Directors in the case of Sattara, the Government of India would not be justified now in confirming the adoption at Kerowlee without previous reference to the Court.

I think the right of the Government of India to refuse confirmation of the adoption is quite clear, and I think that, as regards policy, there is no injustice and no risk in refusing confirmation; while the granting of it, and the continuance of the Raj of Kerowlee under its Native rulers, would undoubtedly be the more liberal policy, and the one most acceptable to Native States.

(Sd.) DALHOUSIE.

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Copy of a Despatch to the Hon'ble the Court of Directors,—(No. 69, dated the 6th November 1852.)

IN continuation of our letter, No. 56, dated 7th September last, respecting the succession to the Chiefship of Kerowlee, we have the honor to transmit copies of the further correspondence which has taken place on the affairs of that Principality.

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Copy of a Minute by the Most Noble the Governor General,—(dated the 2nd October 1852.)

THE Agent in Rajpootana reports that there has appeared a strong party in Kerowlee adverse to the adoption made by Nursing Pal.

The orders to be given are very clear.

The question of adoption has been referred to the

Hon'ble Court. Till their orders are received, no obedience to the adopted boy, or to any other candidate, is to be enforced. But the state of Kerowlee is, in the interval, under the authority of the British Government, as it was in the life-time of the Rajah. Entire obedience must be rendered to that authority by everybody in Kerowlee. If obedience on any point be refused to the British Agent, acting on behalf of his Government, it must be enforced by arms; and the Governor General's Agent will be prepared to do so.

In the mean time disturbance of any kind cannot be otherwise than injurious to the interests of the State of Kerowlee, and of everybody concerned with it.

These orders should be transmitted to the Resident.

It may be added that the opinion he expresses, that if the adoption had been at once confirmed by the Government of India, no opposition would have been made to the boy adopted, does not appear to the Governor General in Council to be borne out by the correspondence before him.

(Sd.) DALHOUSIE.

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I CONCUR.—The question of the future disposal of the State of Kerowlee having been referred to the Court of Directors, the British Officers must conduct the Government, and put down all opposition or refractory conduct by the

strong hand, if necessary, till the decision of the Court is received.

(Sd.) F. CURRIE.

I concur.

(Sd.) J. LOWIS.

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Copy of a Despatch from the Hon'ble the Court of Directors,—(No. 1, dated London, the 26th January 1853.)

WE now reply to your letter in the Foreign Department, dated 7th September, No. 56, 1852, in which you report the death of Nursing Pal, the young Rajah of Kerowlee, after adopting, as his son and successor, a boy who is a distant kinsman; and request our instructions whether the adoption should be recognized.

Colonel Low gave his opinion in favor of recognizing the adoption, and Sir Frederick Currie supported the proposal. The Governor General, with whom Mr. Lowis expressed his concurrence, inclined rather to declaring the State a lapse to the British Government.

The Governor General has given a fair and impartial statement of the arguments on both sides of this important question. After having given the fullest consideration to the circumstances of this case, we have come to the decision that the succession of Bhurt Pal to the Raj of Kerowlee, as the adopted son of Nursing Pal, should be sanctioned.

In coming to this conclusion we do not intend to

depart from the principle as laid down in our Despatch of the 24th of January 1849, relative to the case of Sattara, which is referred to by the Governor General, that there is no validity in an adoption for conveying succession to a throne and to the rights of sovereignty in a dependent Principality in India, unless the adoption shall have received the sanction of the supreme power. But it appears to us that there is a marked distinction, in fact, between the cases of Sattara and Kerowlee, which is not sufficiently adverted to in the Minute of the Governor General. The Sattara State was one of recent origin, derived altogether from the creation and gift of the British Government, whilst Kerowlee is one of the oldest of the Rajpoot States, which has been under the rule of its Native Princes from a period long anterior to the British power in India. It stands to us only in relation of a protected ally. Probably there is no part of India into which it is less desirable, except upon the strongest grounds, to substitute our Government for that of the Native Rulers.

In our opinion such grounds do not exist in the present case, and we have therefore determined to sanction the succession of Bhurt Pal.

The country will continue as at present to be administered by a British Officer, and we trust that, before the expiration of the minority, the State will be found freed from debt and restored to prosperity.

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general feeling of the country," should be recognized by the British Government as the Maharajah of Kerowlee in the absence of any valid adoption by the late Maharajah, Nursing Pal.

Although your Hon'ble Court have sanctioned the recognition, as Maharajah, of Bhurt Pal, by name, we apprehended that we should be acting in conformity with your wishes, though we should now recognize Muddun Pal. The question that was at first referred to your Hon'ble Court was not a personal one between the two kinsmen, but one regarding the recognition of any adoption. Your Hon'ble Court having determined that adoption shall be permitted, we considered that we should be fulfilling the intentions of your Hon'ble Court if we now permitted the adoption and succession of Muddun Pal, who had been found to be the proper successor since the name of Bhurt Pal was first brought forward.

The unsettled state of the succession being objectionable, we have instructed the Agent to the Governor General at once to recognize Muddun Pal as successor to the Kerowlee Chiefship, and to take the necessary steps for his installation.

We have directed that the administration of the Government should be, at the same time, relinquished by the Political Agent; but that he should continue at Kerowlee for the present. We are, however, doubtful as to the expediency of maintaining a permanent Political Agent there. Our decision on this point will be communicated to your Hon'ble Court hereafter.



It having appeared to us necessary to take an engagement for the punctual payment of the debt of Rupees 94,312 by instalments before the administration of the State was made over to Muddun Pal, the Agent has been directed openly to inform him, that any breach of promise for the regular payment of the required annual instalment would render him liable to have one or more of his districts taken possession of for a time by the British Government, and managed exclusively by a British Officer, till the whole of the debt should be liquidated.

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Copy of a Minute by the Most Noble the Governor General of India,—  
(dated the 21st March 1853.)

THE prompt measures taken by Sir H. Lawrence for putting down open resistance may be fully approved, and he may be so informed.

By this mail a Despatch has been received from the Court of Directors recognizing the adoption of Bhurt Pal and his succession to the Raj of Kerowlee.

Since the Court were addressed on this subject, some feeling has been shown in that State on behalf of Muddun Pal. Sir H. Lawrence in his present Despatch states that several of the Native Princes round have expressed opinions strongly in his favor. It is not stated what are the grounds of these opinions; whether it is mere preference for Muddun Pal, or whether they consider him the rightful heir. Doubts were at one time expressed as to the validity of the adoption, even according to their own laws. I would beg the Secre-

tary to have a *précis* of the facts relating to this point prepared.

I think I remember that a doubtful case of inheritance in one of the Rajpoot States was some time ago (1851?) submitted to a sort of Punchayet of Thakoors. I beg to have the particulars of that case also.

(Sd.) DALHOUSIE.

I concur.

(Sd.) J. LOWIS.

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I CONCUR. The Secretary might also make a note of the course which was followed for ascertaining the opinions of the more influential Rajpoot Durbars in the case of Ahmednuggur, the Chiefship of which was claimed by Eedur and Jodhpore.

I think Sir H. Lawrence should be asked what, as far as he could judge, was the cause of the Rajahs he mentions showing so strong a feeling in respect of Rao Muddun Pal; whether they consider him the rightful successor to Hurbuksh Pal, in preference to the adopted Roy, or if, construing the delay which has taken place in the recognition of the adoption and our present position in Kerowlee into an intention on our part to disallow the said adoption, they are apprehensive that we were to take possession of the Principality as our own; and are therefore thus earnest in

advocating the claims of Muddun Pal, a Chief who derives his claim, not as a lineal descendant from the Chief with whom we made our Treaty with Kerowlee, but as the next heir in the line of the original founders of the Principality, the possessors thereof, as the Court observe, long before our appearance in the East.

(Sd.) F. CURRIE.

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Copy of a Minute by the Most Noble the Governor Général, concurred in by the Board,—(dated the 26th March 1853.)

FROM the note of the Secretary I perceive that the case in Shekawattee does not bear on the present one.

I think that Sir H. Lawrence should be asked to state what were the grounds on which the Chiefs whom he names urged the claims of Muddun Pal to the Raj of Kerowlee; whether on the ground of informal adoption, or of family custom, or on any other ground which would render Bhurt Pal not the rightful heir to the Raj.

Respecting general formality of the adoption according to Hindoo laws, a case might be put to learned Pundits.

As to the custom of the family, enquiry would best be made on the spot.

Captain M. Mason, I think, has shown the previous objection of Muddun Pal to the adoption to be futile.

If the case should still be doubtful, reference might be made to high Rajpoot Chiefs, as was done in the case of Eedur.

I should be glad if the Secretary would search the Minute of Mr. Willoughby (which was a text-book upon adoption) for anything which may bear directly on this case.

The Fort of Kerowlee has surrendered at once. I do not anticipate any risk of disturbance in Kerowlee from delay in deciding the case. If there were, I should still pursue these investigations, for it would be far better to risk tumult than to give a wrongful decision on the succession to a throne.

(Sd.) DALHOUSIE.

(Sd.) F. CURRIE.

(Sd.) J. LOWIS.

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Copy of a Minute by the Most Noble the Governor General,—(dated the 31st March 1853.)

THE tendency of the several extracts made from Mr. Willoughby's Minute is adverse to the validity of the late adoption in Kerowlee. I think the point should be referred to the Governor General's Agent, his attention being drawn to the several doubts connected with the case.

(Sd.) DALHOUSIE.

Copy of a Minute by the HON'BLE SIR F. CURRIE, BART.,—(dated the 2nd April 1853.)

THE rules for Hindoo adoption are very comprehensive and conflicting, and, in practice, the exceptions are very numerous (witness the last adoption in the Holkar family in 1844). I concur that the point should be referred to the Governor General's Agent, but for *report*, I think, *not* for *decision*.

(Sd.) F. CURRIE.

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Copy of a Minute by the HON'BLE J. LOWIS,—(dated the 2nd April 1853.)

THE validity of the adoption appears very doubtful, if the strict rule of Hindoo Law be adhered to, but precedents adverse to law were, I have no doubt, to be found. In a case like this of Kerowlee, the paramount authority may very well be guided in sanctioning or withholding its sanction of the adoption by what appears to be most conducive to the welfare of the Principality, and I would ask the Agent's opinion on the whole question; I mean on the expediency, as well as on the validity, of the adoption.

(Sd.) J. LOWIS.

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Copy of a Despatch to the Agent to the Governor General for the States of Rajpootana,—(No. 1661, dated the 8th April 1853.)

WITH reference to the recent correspondence on the subject of succession to the State of Kerowlee, and to your

letters, dated the 8th and 10th ultimo, Nos. 266 and 277, I am directed to inform you that His Lordship in Council has taken the present opportunity to refer to other cases relative to the validity of adoptions.

His Lordship in Council finds that the rules of adoption are very uncertain, the precedents conflicting, and the customs variable in different Principalities and States. His Lordship in Council has, however, referred to a Minute recorded by Mr. J. P. Willoughby, late a Member of Council at Bombay, on a case of adoption which came before him from the Chiefship of Ahmednuggur, and he finds the following points, as reviewed in that Minute, to bear on the present case of Kerowlee:—

I. Mr. Willoughby seems to lay it down as a rule that a boy belonging to the family next of kin to the Chief should be adopted.

He then quotes the following passage from Tod's Rajasthan:—

“Adoptions are often made during the life of the incumbent when without prospect of issue. The Chief and his wife first agitate the subject in private; it is then confided to the little Council of the fief; and when propinquity and merit unite, they at once petition the Prince to confirm their wishes, which are generally acceded to: so many interests are to be consulted on this occasion, that the blind partiality of the Chief to any particular object is always counterpoised by the elders of the clan, who must have a pride in seeing a proper Thakoor at their head, and who prefer the nearest of kin to prevent the disputes which

would be attendant on neglect in this point. On sudden lapses the wife is allowed the privilege, in conjunction with those interested in the fief, of nomination, though the case is seldom left unprovided for; there is always a presumptive heir to the smallest sub-infeudation of those estates."

Again, on this rule Mr. Willoughby, in paragraph 32 of his Minute, says, "another case is cited by Colonel Tod in which the prescribed rule of selecting for adoption the nearest of kin was not observed, and in such terms as to establish that the exception proves the rule;" and again, in paragraph 39, Mr. Willoughby says, "the custom of election, in default of heirs, is founded on the law of adoption prevailing among the Hindoos generally; and although usage, no doubt founded on political consideration, warrants the rejection of unfit persons, though nearest of kin, the claims of propinquity ought not to be disregarded where no cause of disqualification exists."

The measure of election by the petty Chiefs is, His Lordship in Council understands, not complete till the person so elected has been adopted by the widow, and, according to Colonel Tod (though not according to Colonel Sutherland), he should belong to the *family of the next of kin*.

As an adopted son should always be of tender age, it is to be observed that he cannot always be the very next of kin.

II. A second rule is thus laid down by Mr. Willoughby in paragraph 66, "that though a widow may, with the sanction of and under the direction of her late husband,

adopt a boy, she, having a son at the time of her husband's decease, or giving birth to a posthumous son, cannot *adopt on the death* of that son."

III. A third rule appears to be this:—"The consent of the Suzerain or Lord Paramount is indispensable to the validity of an adoption involving succession to a Principality, Jagheer, Surinjaum, or even to Inams. A recent reference, Mr. Willoughby observes, to different Residents at foreign Courts has clearly established that the previous sanction of the superior Government is essential to the validity of adoptions under the Governments of Gwalior, Indore, Bhopal, Baroda, and in the petty States of Bundelkhund, Mehidpore, Nimar, &c."—*Paragraph 67.*

The third rule, that the adoption to be valid must be confirmed by the paramount power, is, His Lordship in Council observes, of little consequence in the Kerowlee case, as the Government have expressed their readiness to confirm the adoption should it otherwise be unobjectionable.

The second rule bears so far upon the present case that, if the adoption of Bhurt Pal be disallowed, there is no widow who can adopt: the late Rajah, Nursing Pal, has left none, for he was never married. The widow of his predecessor, Pertab Pal, cannot now adopt, because her son, Nursing Pal, died after his father.

It is, however, observable that the rule followed in Rajpootana is not in accordance with the precedents of



our Civil Courts, for at page 84, Vol. I., of Macnaghten's Hindoo Law, the Sudder Dewanny "have ruled that there may be two successive adoptions by the widows of the same man."

The first rule bears directly on the case; but it is admitted that there are many exceptions to it. Mr. Willoughby, in paragraph 39, and again in paragraph 83, quotes Colonel Sutherland for saying that, in cases of adoptions and successions to Chiefships, precedents may be quoted for almost everything.

In the Kerowlee case the cousin and family preferred are far more distant in relationship than Muddun Pal.

The ancestor of the adopted boy separated from the principal branch eight generations back, and it is worthy of observation that this branch was not mentioned in the Genealogical Tree sent from Kerowlee in 1848, on the occasion of the former adoption.

The general rule of Hindoo Law His Lordship in Council finds to be laid down at page 214 of Sutherland's Synopsis of Hindoo Law:—"It has been intimated by writers on Law that proximity of kindred ought to determine the choice of an adopted son; but though Nanda Pandita extends this principle with elaborate minuteness, it cannot be regarded as a rigid maxim of law, vitiating the adoption of a remote, where a near kinsman, or of a stranger, where a relative, may exist."

Sir Thomas Strange, in his work on Hindoo Law,

says, " the nearest male relation of the adopter is the proper object of adoption. This injunction forbids the adoption of others where a brother's son is obtainable; where there is none, the choice should still fall upon the next nearest male relation, with liberty, in default of such, to select from among distant ones, and among strangers on failure of all kin. The result of all the Authorities upon this point is, that the selection is finally a matter of conscience and discretion with the adopter, not of absolute prescription rendering invalid an adoption of one, not being precisely him who, upon spiritual considerations, ought to have been preferred."—*Pages 73 and 74 of Strange's Elements of Hindoo Law.*

His Lordship in Council is of opinion that the age of the late Rajah is a very important point in the Kerowlee case. Was he legally competent to exercise the right of adoption? In other words, had he by law attained his majority?

All authors agree in saying that the sixteenth year limits the term of Hindoo minority; but opinions vary as to whether the limit be the first or last day. In Bengal it is understood to be the first day, but in Upper India it is the last day of the sixteenth year.

In all other matters the late ruler was not deemed of age; he was not entrusted with the administration of affairs, and he was not full sixteen years old.

Muddun Pal, it is observed, has referred to the fact of the late Rajah being unmarried as rendering the adoption

invalid; but in Macnaghten's Hindoo Law, see Vol. I., page 66, and Vol. II., page 175, it is stated that a bachelor can adopt.

A regard to the above considerations has inclined His Lordship in Council to take, on the whole, a somewhat unfavorable view of the validity of the late adoption; but he would invite you carefully to consider them as they bear on the present case, and report your opinion for the final orders of Government.

With reference to the preference expressed by some of the Chiefs for Muddun Pal, His Lordship in Council would be glad to be quite certain of the grounds of that preference, and to know whether the Thakoors are actuated by a mere personal liking for this Chief, or whether they consider him to be the rightful heir; and he invites you to state your opinion, as well on the doubts expressed of the validity of the adoption, as to the expediency, should the adoption be incapable of being maintained, of acknowledging Muddun Pal or some other person to succeed as ruler. But on this latter case you would probably be guided by whatever appears most conducive to the welfare of the Principality.

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From LIEUTENANT-COLONEL SIR H. M. LAWRENCE, K. C. B., Governor General's Agent for the States of Rajpootana, to J. P. GRANT, Esq., Secretary to Government of India, Foreign Department,—(No. 1178, dated Camp Aboo, the 17th November 1853.)

I HAVE had the honor of receiving your letter, No. 1661, dated 8th April 1853, regarding the succession to

the State of Kerowlee, in which the Most Noble the Governor General in Council directs me carefully to consider the Rules of Adoption as they bear on the present case, and to report my opinion for the final orders of Government, not only on the validity of Bhurt Pal's adoption, but on the grounds of "the preference expressed by some of the Chiefs for Muddun Pal," as to whether they are actuated by a mere personal liking, or consider him to be the rightful heir of the Kerowlee State. I am also invited to give my opinion, in the event of the validity of the adoption not being maintained, as to the expediency of acknowledging Muddun Pal, or some other person to succeed, as ruler.

Referring to the general questions your letter contains regarding the law of adoption recognized in this part of India, I beg to enclose, for the information of His Lordship in Council, abstracts of the replies of the several Political Agents and Superintendents in Rajpootana to Circulars issued by me, calling for information on the customs of adoption prevailing within their Circles of superintendence, and in Rajpootana generally; and on the views held in their neighbourhood on the conflicting claims of the rival candidates for the throne of Kerowlee. The opinions of the Political Agents of the Myhe-Kantah, Pahlunpore, and Gwalior, as also of Colonel Dixon of Ajmere, were likewise sought as to the customs prevailing under their Agencies; and I was obligingly furnished by the late lamented Lieutenant-Governor of Agra, as well as by the Political Agent, Meywar, with a valuable paper drawn up in 1847, at the Lieutenant-Governor's request, by Mr. Brandreth, c. s., on the occasion

of some disputed successions amongst the Istumrardars of Ajmere. The replies of the sovereigns of the several Rajpoot States to questions on the same subject are also enclosed. The answers from Oodeypore, Jodhpore, Jey-pore, Beekaneer, and Boondée, to questions on succession, circulated in the year 1844, as also the replies to other questions sent round at different periods by my predecessors and by the Commissioner of Ajmere, have been consulted. I have also examined not only the printed papers on succession, and the voluminous records of my Office, but Elphinstone's, Macnaghten's, Tod's, and Sutherland's publications on inheritance; and, finally, I have carefully studied Mr. Willoughby's elaborate and able Minute on the Ahmednuggur succession. From these various Authorities and opinions, though we cannot lay down inflexible rules for every case of inheritance, enough may be deduced for general guidance in Rajpootana.

In many points, and some of them material ones, the Officers who have given their opinions differ: the difference generally is, however, in favor of the Hindoo Law of primogeniture, and often arises from the peculiar circumstance of the cases brought to notice.

The answers from the Native Courts may be biassed here and there, to advocate particular questions pending in their own families; but there runs throughout one broad, well-defined principle, in which all parties agree, and that is, "publicity and the concurrence of the family, friends, and advisers of the deceased Prince." The seventeen sovereign States (including Gwalior) now consulted

are also unanimous on two points which Mr. Secretary Allen's letter under reply, quoting Mr. Willoughby's Minute on Ahmednuggur, considered contrary to rule; that is, the Rajpootana and Gwalior sovereigns say that the age of the adopted person is immaterial; and, with the single exception of Boondee, they declare that a second adoption is lawful.

The selection of an heir, though intended for the quiet of the soul of the deceased, is made to bend, in the case of a Rajpootana Principality, to the welfare of the State. Whilst the inferior feudatory, whether Rajpoot or Ryot, is bound to adopt either his "next of kin," or one of his family; a greater latitude is allowed to a reigning sovereign, who is anxious to provide, in default of issue, the most worthy successor to his throne. Thus, by "the fiction of adoption" (in the words of Mr. Thomason, in a demi-official letter to my address), both the political and religious object is gained. The instances, therefore, of selection by sovereigns *during life-time* are numerous; they are, however, confined to those near of kin (brothers and nephews) from among whom a choice is allowed. The selection seems to depend on the personal influence of the parties concerned with the Royal family and Chiefs, and the ability of the sovereign to disregard the claims and the power of the legitimate heir. Even a reigning Prince, however, would not have the power of passing over his near relations, except in cases of unfitness, and adopting distant ones to their exclusion.

In Guzerat the "nearest of kin" is always adopted, or, if passed over, it is "with his own consent." His strong

claims are also tacitly acknowledged in Rajpootana, since it is not unusual to give him some sop when he is passed over; and no means are left untried to procure his acquiescence to the nomination of the successful candidate. In this way the claim of the Maharajah of Khandoo in Banswara was in the year 1838-39 bought off by his rival, even though, in the first instance, the former had, with the other Chiefs, acquiesced in the election of his opponent, and thereby waived his own claim. His plea for after-opposition was the very common one on such occasions, that at the outset his assent had been forced. A stranger, or one not in the family, can hardly be adopted; for the influence of important members of the Royal family, combined with that of the Chiefs and feudatories who might join their standard, would prevent any Prince neglecting their just claims; risking perhaps the life of his *protégé*, if not the due performance of those very funeral obsequies by which he hopes to obtain repose for his own soul. But as there are exceptions to every rule, so have even aliens been adopted. The present Rajah of Pertabghur's adoption into the family of Doongurpore, in the year 1820, is an instance.

On a sovereign's death without issue, and without having named an heir, or signified his wishes to his family and Chiefs, the choice of the widow is ordinarily restricted to very narrow bounds, and the power of the nearest of kin, if closely related, is much increased; for his previously acquired influence, added to his present position, gives him an importance which it would be neither wise nor safe to disregard; and unless there be some mental or physical disqualification, he succeeds in such a case to the throne or Chiefship.

On the death of the adopted heir after his accession, a second adoption may be made by the same widow, guided by the same rules as in the first; and "every one who was consulted in making the first adoption, has the same power in the second." Several cases in point have been given by the Political Officers consulted, and sixteen sovereigns, including Gwalior, lay this down as the proper course to be followed in case of the death of the first nominee. The Rajah of Boondee answers that the "next of kin" should succeed to the throne. The Political Agents at Jeypore and Jodhpore (Major Rickards and Sir Richmond Shakespear), each give an instance of *three* adoptions in one Chiefship, and they, with other Officers, show that a second is common.

The age of a person adopted in Rajpootana is immaterial. Instances have occurred at all periods of life. The present sovereigns of Marwar and Kotah, the present and the last Ranas of Meywar, and the late Rajah of Banswarra, are all examples of adults having been chosen. The Political Agents also adduce many instances in Chiefships. The Jeypore and Dholepore Durbars say a boy is best; Maharajah Tukht Singh of Marwar is in favor of a man; the other fourteen sovereigns say it is indifferent whether the selected person be an adult or a child. The late Maharana of Meywar (Sirdar Singh) was a notable instance of age being no objection. His predecessor's two wives having performed Suttee, a widow of an elder brother, who had died young, in concert with the Minister and a clique, desired to adopt a child, Sirdar Singh's nephew, the son of his younger brother, Sher Singh. On the grounds of Sirdar Singh being the nearest of kin to the



deceased, and thereby his undoubted heir, the Political Agent, Colonel Spiers, interfered, and Sirdar Singh was elected. Government approved "the (his) judicious proceedings." In the year 1827, the Governor General in Council also accepted the unanimous award of a Punchayut of Brahmins assembled by the Political Agent, Mr. Eveylyn Gordon, at Kotah, that "the age of the person (adopted) does not in the slightest degree affect his right of adoption." Mr. Willoughby, who is deservedly a great authority, ridicules the adoption of an adult. I confess I cannot perceive the force of his objections, looking on the ceremony, as I do, as a conventional fiction. I have used the words "election" and "adoption" in this paper somewhat indiscriminately, I may, therefore, here remark that I consider adoption properly to be limited to the act of one individual; election to that of several, but to require the forms of adoption to complete it.

Opinions are pretty equally divided as to the period at which a minor is considered of age in Rajpootana; about half the sovereigns say sixteen, some eighteen, some only twelve and thirteen. The Jeypore, Kotah, and other Rajahs, who fix the period at the completion of sixteen years, nevertheless declare that a minor can adopt, provided he is at the point of death, and, "with the advice of the Royal relations, &c., adopts the presumptive heir to the throne." But this, as far as the right to succession is concerned, would be an act of supererogation, as it is at the same time laid down by these Authorities, and is a rule of Hindoo Law that, during his minority, though reckoned the sovereign ruler of the State, the young Prince is to be implicitly obedient in all his acts to the

“old Councillors of his father and the family Punch ;” his acts, therefore, separate from these Councillors, &c., can have no weight ; he is not supposed to have, nor can a boy have, a choice of his own.

Since also he cannot marry (a ceremony incumbent on all Rajpoots to perform at as early an age as possible) “till he has come into undisputed possession of his inheritance,” the fact of marriage may be regarded a very good criterion as to his being uncontrolled master of his own actions and sole ruler of the State. Until marriage, therefore, he may be regarded in his minority, whatever be his age, and any adoption by him, previous to that ceremony, would probably be contested, unless his choice be the nearest of kin, who has also the majority of the Thakoors on his side.

At page 38 I have referred to one undeviating rule in which all Authorities agree, and without which the adoption would be invalid, namely, that every step in the affair should be taken with the concurrence of the chief members of the family, “the Chiefs of the State, and the Councillors of the deceased Prince ;” that “the ceremonies should be performed in public,” with rejoicings equal to those at the celebration of a marriage, so that the fact may be proclaimed to the whole world. Great stress is very properly laid on these points, as the only means of counter-acting the designs of any scheming woman, eunuch, or Minister, who, otherwise, might sacrifice the interests of the State to his or her own ambitious ends. In a country, too, where Suttee has hitherto prevailed, the senior wife’s sacrifice of herself must have lessened the popularity of the surviving wives, leaving them little more than tools in the hands of

the chief parties in the State, on whom the choice of a successor would thus actually devolve. It is, therefore, very important to insist on all the public ceremonies of adoption which Rajpootana customs demand; the more so, that we are apt to be misinformed and influenced by those at the time in authority, and that our crushing power enables us to carry out measures that no Native State could enforce.

As a sovereign must desire that the Thakoors should carry out his wishes regarding his successor, he has a strong reason for conciliating them. They are raised in their own estimation by the occasional exercise of their elective power; and as the same rules that guide the succession of their rulers apply, in the main, to themselves, there is a guarantee for its honest and judicious use. By the so frequent neglect of carrying out, during their own lives, the ceremonies necessary to ensure undisputed succession, the Princes of Rajpootana would appear to prefer leaving the arrangement to their constitutional advisers. There are numerous recent instances of this weakness; that of Banswarra, already referred to, is the most remarkable: the dying Rajah directed his one wife to live for their daughter, and imprecated curses on his Thakoors if they permitted the widow to perform Suttee; yet he gave no intimation regarding a successor.

The Records of my Office also show that, in every case of succession since the year 1818, the Government of the day and my predecessors have, in their several orders and recommendations, invariably been influenced by, and have dwelt on, the wishes of the widow, the Chiefs, and the Councillors of the Principality. On several occasions

also of disputed succession, as at Jeypore in 1819, Banswarra in 1838, Kerowlee in 1839, and Doongurpoor in 1846, the orders eventually given after much discussion and correspondence, appear to have been mainly, if not entirely, influenced by public opinion and the wishes of the Thakoors and others concerned.

I have shown that a second adoption is permitted. I may add that, in stating that all the persons who had a right to vote in the first election are also entitled to participate in the second ten, including Gwalior, out of the seventeen Princes consulted by me, mention the mother among the privileged persons. Thus, Gwalior says "widow, then mother and father;" Serohi, "widow, then the Chiefs and advisers;" while Kotah gives the right to "the widow, then the *widow* of the *former* Prince." I have accordingly included Kotah as naming the mother, inasmuch as "the widow of the former Prince" is the adoptive mother of the present one, and takes the place of his natural parent. I have also little doubt that the seven sovereigns who made no mention of the mother, meant to include her among "the members of the family in Council," which is the Banswarra answer; or among "the advisers," which is that of Serohi.

As far as I can gather from the printed papers regarding Bundelkhund, and from certain answers obligingly sent to me by Major Malcolm, the Boondela Rajpoots follow much the same rules, in matters of inheritance, as do those of Rajpootana. I beg to be understood to desire to explain <sup>o</sup>o much of those rules, or rather of those practices, as apply to the present case, and not to pretend to enter on the

general question of Hindoo inheritance by adoption, as interpreted by any of the schools. I now proceed to apply the preceding remarks.

At the age of fifteen years and seven months, Maharajah Nursing Pal died, after "several months" illness: his death was reported on the 11th July 1852; but on the 18th of the previous month, or 23 days earlier, the Political Agent had communicated to the Governor General's Agent his "fear that His Highness's protracted indisposition would terminate in death." The Political Agent "visited the Maharajah several times during his illness: on the afternoon of the 10th July, I (he) received a khurceta from his Highness, dated on the preceding day, in which he announced that he had adopted, &c." Later in the evening, hearing that the Maharajah was sinking, Lieutenant M. Mason went to him. "He rallied and took notice of me, but had not strength to speak. Through one of his constant favorite attendants I questioned him relative to the khurceta which I had received. His Highness partially raised himself up, and, with much earnestness depicted on his features, endeavoured to address me in reply; inarticulate sounds, however, only fell from his lips." From that time he grew weaker. The Political Agent left him at 8 p. m., and at 9½ p. m. heard "that his Highness had deceased without a recurrence of sensibility." Lieutenant M. Mason proceeds to state that he has no doubt that the late Maharajah adopted Bhurt Pal of his own free will on the 9th, and caused the letter of announcement "to be prepared and sealed, and that it was sent to me by him on the 10th idem." The deposition of the Native Doctor and of seven other persons were taken by the Native Deputy Agent, and they all

agreed that the Maharajah was quite in his senses then and for the day after the letter was written. It is, however, remarkable that all these witnesses are men of little or no note; indeed, that only one of them, a Mahomedan, can be considered in the position of a gentleman; that *not one* was a Rajpoot, and that the only woman mentioned was the Maharajah's mother, Mahjee Goo, who, by the fiction of adoption, was no longer his mother, and who had no proper business in the Fort of Kerowlee, where, however, also and *of right*, resided four other ladies, widows of two preceding Maharajahs. One of these ladies, by name Nurrookejee, was the adoptive mother of Nursing Pal, and according to ten of the sovereigns whom I have consulted, and according to the spirit of all their answers, had the first right to adopt, or at least to be consulted in an election; yet she says in her letter to my address, No. 6 of enclosures, that no adoption whatever took place.

Another Rance, by name Siesodajee, widow of Maharajah Hurbux Pal, declares that, though she visited the young Maharajah on the day of his death, she heard nothing of the adoption. This is probably an exaggeration; but the facts mentioned by the seven attendants of the deceased Prince, and Lieutenant M. Mason's letter of 14th July, show that the matter was kept most private. That notwithstanding the long illness of the Maharajah, and the expectation of the Political Agent that it would terminate fatally, not the slightest mention was made to him of a successor until the last moment; that the question had been agitated at his Highness's bedside five days before his death; that the letter to Lieutenant M. Mason had been ordered three days before it was written, and yet was not

sent to the Political Agent (whose consent *ought* to have been obtained before a single step was taken in the matter) until the day after it was prepared, and until the Maharajah was lying speechless within three or four hours of death. This letter, too, to the Political Agent, seems to have been the beginning and end of the ceremony of adoption. It is not even shown that the adopted boy, Bhurt Pal, was brought into the presence of the dying Maharajah, much less that "relations, Brahmins, &c., were called in, presents given, and nuzzurs presented to the child seated on a throne."

Such having been the case, it appears needless to determine whether Nursing Pal's age admitted of his making the adoption. The sovereigns of Rajpootana make no objection to a minor adopting; but, as I have shown, they all stand out for the ceremonies, and for the publicity, so glaringly wanting in the above-noted proceedings. Though, therefore, the Ranees, widows of Nursing Pal's predecessors, living under the same roof, could have hardly failed to have heard what was going on, they seem to me fairly entitled to assert that no adoption, according to Hindoo law, had taken place. That His Lordship in Council may have a clear view of the arguments in favor

of the respective claimants, I annex to this Report an abstract of the opinions of the Political Agent, who leans strongly to the side of Bhurt Pal. Also an abstract and copies of three letters of Mahjee Goojee to that Officer. On the other hand, in favor of Muddun Pal, are his father's answers to my questions on adoption,

Enclosure No. 9.

Nos. 1, 4, and 13.

No. 12.

Enclosures Nos. 6 and 7.

and the letters of the three Ranees of Kerowlee already referred to, one of them being, as I have stated, the adoptive mother\* of the late Rajah, and the widow of his predecessor, and having at least the best right of any lady to be consulted; while Mahjee Goojee, the natural mother of Nursing Pal, who *alone was* consulted, had no right at all in the matter. My predecessor, Colonel Low, indirectly allowed in 1848 the superior rights of a predecessor's widow in the absence of a widow of the Prince just deceased, when he denied the claim of Hurbuksh Pal's widow to be guardian of Nursing Pal, "unless in the very uncommon case of there being no widow alive of the last sovereign."

Lieutenant M. Mason's argument in favor of Bhurt Pal, that, in consequence of the Chiefs being compelled to reside on their own Estates by order of the Governor General's Agent, their signatures were not appended to the

Paragraph 3 of No. 132, of 23rd September 1852, sent to Government with Agent, Governor General's letter, No. 739, of 4th October 1852.

document purporting to be a certificate of adoption, loses its value by the facts that the Ranees and others who *were present* in the Fort of Kerowlee, and who might and ought to have been consulted, were not; that the said Chiefs, when they had an opportunity of expressing their wishes, almost unanimously voted, *not* for Bhurt Pal, but for Muddun Pal; further, that when they were summoned to meet me at Kerowlee at a few hours' notice, they attended at a full Durbar, and, as their letter states,

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\* Since this paragraph was copied, I have ascertained that Raneo Chundelunjee was the adoptive mother; on her death, Raneo Nurrookejee took her place as Chief Raneo, and, consequently, as adoptive mother of Nursing Pal.



expressed to me personally their wishes in favor of Muddun Pal. Thus, had the signatures of those entitled to vote been appended at all to the letter of Nursing Pal to the Political Agent, they would have been in opposition to, *not* in approval of, the quasi-adoption.

In reference to the claim of Muddun Pal, the Genealogical Tree of the Kerowlee family, prepared by Lieutenant M. Mason (copy\* of which is annexed), shows

\* No. 16. that the common ancestor of the rivals was Rajah Dhurum Pal; and

as all the descendants of the eldest son succeeded to the throne of Kerowlee, till *that* branch became extinct, to the exclusion of the other sons or their children, so was it needful that the progeny of the second son should enjoy the throne before it fell to the descendants of the third. I place no weight on the Kerowlee Deputy Agent's assertion, in his laboured Roobukaree enclosed in Lieutenant M. Mason's letter of 14th July 1852, that Bhurt Pal's immediate ancestor was really senior to Muddun Pal's, though Dhurum Pal, the father of both, had, by mistake, placed him below his brother. I have nowhere else heard the same argument used; or that, as the Deputy asserts, Bhurt Pal's grandfather's claim was brought forward when Nursing Pal was elected, but that there was *then* no justice in Kerowlee. The fact is that Bhurt Pal's branch was not even referred to in the Genealogical Tree or Reports of 1848. Colonel Low, the Governor General's Agent's words of that day were, "although there has been some quarrelling respecting the guardianship of the boy (Nursing Pal), *there has been none as to the selection itself;*" besides, when a man has, for a

hundred or more years, been considered an elder brother, it is now rather late in the day to assert that his half-brother was born a few minutes earlier, but by mistake was recorded as later. The choice made of Rajah Nursing Pal in 1848 was, therefore, correct, and, again quoting Colonel Low's words, was "according to long-established Rajpoot usages in such cases;" but Nursing Pal was, on his accession, in exactly the same position that Muddun Pal is at present, namely, Rao of Hudotee, and recognized as next of kin to the deceased Rajah of Kerowlee. On *Rao* Nursing Pal's elevation to the Raj, Thakoor Muddun Pal succeeded to the title and estate of *Rao* of Hudotee. The same claims, therefore, which secured the Raj to Nursing Pal and the Raoship to Muddun Pal *then*, entitle the latter to the succession *now*; and the Governor General in Council will observe that this point is expressly urged in his favor by the Ranees of Kerowlee in their letters.

The two memorials of the Thakoors, &c., and the letters of the Ranees express the feelings of the legitimate advisers of the Raj on the present question. On the occasion of the disputed succession at Kerowlee in 1830, when, according to Mahjee Goojee, the Thakoors perjured themselves, there never was a majority in favor of the successful candidate in any way equalling that now voting for Muddun Pal; half or more of the Chiefs at the outset were against Pertab Pal; by degrees he gained them over, until at the end he had a majority: while now, out of 38 of the greater Chiefs enjoying a rental of Rupees 80,650, only eight of the very smallest, holding lands worth Rupees 6,800, have not signed one or other of the memorials

Nos. 8 and 14.

in favor of Muddun Pal. Altogether, 72 Chiefs and landed Proprietors and Officers, small and great, have affixed their names to one paper, while fourteen Judoon Chiefs of Subulghur, which was formerly under Kerowlee, but was wrested from that State by Scindiah, being, as I understand, all the leading men of the pergunnah, have come forward to vote at the election of a Chief of their clan, the Judoons.

Lieutenant M. Mason expresses his belief that the wishes of the Kerowlee Chiefs in favor of Muddun Pal are neither from personal liking nor from conviction of his right, but solely from intrigue and a desire to perpetuate misrule. The Trans-Chumbul Judoons and the citizens of Kerowlee appear to be as warm for Muddun Pal as are the Kerowlee Chiefs, and yet they, especially the citizens, can hardly have the same motive. It is very possible that many have no personal liking one way or the other; but it is very unlikely that all, the weak as well as the strong, should desire anarchy. Besides, it is notorious that in all Native States there is a strong feeling for the Raj and for the legitimate successor. Individuals from personal motives may desire a change, and will plot to upset the right, but it is seldom found that the whole country will go with the wrongful claimant. The other reason assigned is intrigue; probably there has been some on both sides, but none has been shown on that of Muddun Pal; though heir-at-law to the Raj, he was born a poor Thakoor, and only recently came into the Estate of Hudotee; he is therefore a poor man, and is in debt. On Nursing Pal's death he was under arrest, though not in prison; and in the very letter of the Political Agent, announcing to the

Governor General's Agent Bhurt Pal's adoption, he reported at paragraph 6 having prohibited Muddun Pal's "communicating verbally, or by message, or by letter, with any one, except a few necessary companions and attendants:" this was not a position to increase his influence or encourage waverers and intriguers; nevertheless, the Rao of Surmutra, who having an important case in Court and wishing to gain favor with the Political Agent, went to him hoping for some hint as to whom he should vote for, on being told to please himself, voted for Muddun Pal: this was an attempt at intrigue against Muddun Pal, not for him, by one whose feelings were evidently in his favor.

Muddun Pal and the Thakoors of Kerowlee have been tried by the test proposed to Colonel Sutherland by the unsuccessful candidate for the Raj of Kishengurh in 1841, as reported in the following words to Government on 19th October of that year: "He did not pretend to deny that the measure has the approval of the Chiefs, but says that they are poor and interested. When I asked him what the British Government was to do in a case of this kind, he said, 'take possession of the Fort; take all power out of the hands of those who have the means of bribing and corrupting the Chiefs, and then take their unbiassed and honest votes.'" More than this has been done. The Fort is in our possession, and not a Thakoor of Kerowlee has a shadow of power in affairs of State.

On the whole, then, from what I saw and heard at Kerowlee in February last, and from the correspondence of the last seven months, as well as from the opinions of Majors Rickards and Anderson and Captain Brooke

(the other Agents giving no opinion), I am decidedly of opinion that it is the conviction of the aristocracy of that petty State that Muddun Pal is the lawful heir, and that they have voted for him accordingly, and would have fought for him but for our presence: I believe they are also influenced by a hope of getting rid of the Political Agency. In this double feeling I consider that the citizens of Kerowlee, the Soldiers, and the Garrisons of the Forts go hand in hand with the Thakoors. Last year the townspeople shut their shops on a frivolous complaint; since then, two out of the three principal Forts have been in armed opposition, and against one I have been obliged to send heavy guns. In all these cases intrigue was hinted at, and Muddun Pal's name was mentioned in connection with both the Forts; but I have seen no reason whatever to suppose that *he*, directly or indirectly, instigated opposition in any of the cases, though a paper found at Nerrowlee shows that Ootgurh was in his favor, and a boy of the Nerrowlee Garrison states in his deposition that they sent to Muddun Pal for orders, but that he would have nothing to say to them. These Forts have always taken an active part in disputes and disturbances; and, in 1839, they supported Maharajah Pertab Pal for many months, when the Ranees and opposing Thakoors held the City of Kerowlee against him.

I may here recall to mind the fact that Lieutenant M. Mason has a very bad opinion of Muddun Pal, and preferred charges against him of compassing Nursing Pal's death, but that my predecessor fully acquitted him of the crime. More recently the Political Agent's opinion seems to have a good deal changed, for, in a late demi-official

letter, he tells me he does not think Muddun Pal has a bad heart, but that he was influenced by bad advisers. It is but fair I should add that Muddun Pal's conduct has been most exemplary since I joined this Agency; that he instantly took my advice, and, in March last, to be out of the way of intrigue, proceeded to Jeypore, and has quietly remained there ever since.

As called upon in Mr. Allen's letter, I have given my opinion on several questions not immediately bearing upon the present case. It would have been easier and more in keeping with my previous knowledge to have restricted myself to the simple facts that there has been no regular or legal adoption; that Muddun Pal is the nearest of kin to the deceased Rajah; and that the higher classes of Kerowlee society are almost unanimous in his favor. It was hardly necessary to show that one of the Ranee widows, who is also on his side, is, by Rajpootana practice, entitled to adopt, and that Muddun Pal's age does not preclude him from being adopted.

I might, however, have dwelt more on the disrespect to the British Government of not asking its permission to adopt Bhurt Pal. In the case of the adoption by his brother of the present Maharana of Oodeypore, Government expressed disapprobation, and refused acknowledgment for the time, because there had been no previous intimation given. The confirmation of the Suzerain is necessary in all cases; he is the arbitrator in all contested adoptions: he can set aside one or other for informality, irregularity, or for misconduct; but it does not appear by the rules or practices of any of the sovereignties, or by our own

practice with the Istumrardars of Ajmere, that the paramount can refuse confirmation to one or other claimant, and confiscate the estate, however small.

By the kindness of Colonel Dixon I have now before me the vernacular proceedings regarding adoption to a single village in Ajmere commenced in 1842, swelled out to 233 documents, and ended in 1849. On the death of the Thakoor, his widow reported she had adopted one Sheodeen Singh, who was accordingly put in possession of the village. After more than three years' occupancy of the estate by him, they quarrelled, when she petitioned and denied having adopted him; he was accordingly deprived of the village, and after three more years' litigation, his deprivation was confirmed and another adoption made. In this case the Native Local Authorities recommended resumption; but the late Lieutenant-Governor directed three questions to be put, the first and most material being, "was Sheodeen Singh (the man in possession three years) adopted with the free consent of the Thakooranee, and were the ceremonies of adoption fulfilled?" A Panchayet declared that they had not, on which another adoption was ordered, after nearly seven years of vexatious litigation.

I adduce the above case, at the risk of being tedious, not that I would have listened to the old lady after three years' silence, but for two reasons : *first*, because I came to the question of Hindoo inheritance with a strong sense of my unpreparedness, and am pleased to find that the opinions I have formed as to Rajpootana rules, from a careful perusal of every document in my Office bearing on the question, coincide, in the main, with the recorded

views of such men as the late Mr. Thomason, Lord Metcalfe, and Colonel Sutherland;\* that opinion being that,

\* See enclosures Nos. 19 and 20 for Lord Metcalfe's and Colonel Sutherland's opinions.

*by the existing laws, a Rajpootana* Chiefship, great or small, can never escheat to the Suzerain, except by rebellion, and, indeed, that a Rajpoot Sovereign seldom excludes an heir for the offence of his progenitor. In stating this opinion, I am bound to add that I do not agree with Sir Richmond Shakespear and other able Officers that Rajpootana, or part of it, would not pay as British Territory. With simple institutions consonant to the feelings of the people, Kerowlee or any other Principality should be no more a burthen than most parts of the North-West Provinces are.



recognized by themselves should be put into a tangible and accessible form, and that there should be some standard exposition of what is their prescriptive law, showing the houses, in each family and sovereignty, from which successors should be drawn; in what cases the nearest of kin should be accepted; and in what election should be permitted.

It remains for me only to give my decided opinion in favor of Rao Muddun Pal, and my recommendation that, as nearest of kin to Nursing Pal, and as accepted by the Ranees of Kerowlee and by *all* the nine most influential Thakoors, who, under a strictly Native *régime*, would probably be the electors, also by more than three-fourths of the 38 feudal Chiefs, who, in Lieutenant M. Mason's opinion, are alone entitled to vote in important State matters, and, as far as can be judged, by the almost general feeling of the country, he be nominated by the Most Noble the Governor General in Council to the Raj of Kerowlee, and that Maharanee Nurrookejee, the senior widow of Maharajah Pertab Pal, be permitted, according to the existing customs of the country, to adopt him as her son, in succession to Nursing Pal.

About the end of December I shall be at Kerowlee, prepared to carry out the orders of Government. Under any circumstances, the Kotah Contingent is well placed at that city, so long as the Rajah, whoever he may be, does not object: Lieutenant Monck Mason tells me that its presence will be required in case Bhurt Pal be maintained. I do not think any Rajah will object, for two

or three years at least, and until he make arrangements for the Forts and their turbulent occupants, and accustom himself to his new position, at no time a very easy one. For that period a Political Agent will be required to protect those who have been working with him, and to enable the new Sovereign to feel his way and to see to the payment of the debt due to Government, amounting to Rupees 94,312.

I beg to acknowledge the assistance I have received in this enquiry from all the Political Agents, except Captain Morrieson, also from my Assistant, Captain Sewell, and, above all, from Captain Brooke.

The undermentioned documents are enclosed :—

- No. 1. Letter of Mahjee Goojee, mother of Nursing Pal, to Political Agent.
- „ 2. Enclosure to ditto.
- „ 3. Ditto.
- „ 4. Another letter from Mahjee Goojee, to Political Agent.
- „ 5. Reply of Political Agent.
- „ 6. Letter of Nurrookejee, Chief Rancee, and Bankawutjee, 2nd Rancee of Maharajah Pertab Pal, to Agent, Governor General.
- „ 7. Ditto from Mahjee Sesodneejee, to Agent, Governor General.
- „ 8. Memorial from the Thakoors of Kerowlee, to Agent, Governor General.
- „ 9. Abstract of Lieutenant Mason's opinion.
- „ 10. Abstract of opinions of Political Officers on the Kerowlee succession.
- „ 11. Abstract of answers to Circulars, &c., on succession.
- „ 12. Answers of Thakoos Soondur Pal, father of Rao Muddun Pal.
- „ 13. Third letter from Mahjee Goojee, to Political Agent.
- „ 14. Memorial signed by 72 Chiefs, &c., to Political Agent, dated 22nd July 1853.

- „ 15. Letter of 14 Judoon Chiefs of Subbulgurh, in Gwalior, to Political Agent, in favor of Muddun Pal.
- „ 16. Genealogical Tree.
- „ 17. Opinions of the 17 Sovereigns of Rajpootana and of the Gwalior Durbar on succession, also of a learned Native.
- „ 18. Lieutenant Monck Mason's letter, No. 128, of 11th May 1853, to Agent, Governor General, with three lists of Chiefs, &c.
- Nos. 19 } Opinions of Lord Metcalfe and Colonel Sutherland on succe-
- & 20. } sions to Rajpootana Principalities.

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### ENCLOSURE NO. 1.

Translation of letter from MAHJEE GOOJEE, of Kerowlee, mother of MAHARAJAH NURSING PAL, addressed to Political Agent, Kerowlee, dated 28th Zilhuz 1268 Hijree.

It is known and manifest to you that the right to the Government of this State was held, with the consent of the Hon'ble Company, by Maharaj Nursing Pal, and that he was the absolute ruler of this State of Kerowlee; and that the Maharajah gave his rights in the State of Kerowlee, of his own pleasure and affection, to Bhurt Pal, and adopted him, and that he sent a khureeta to you to obtain your confirmation of the above act. You will, therefore, have sent the said khureeta and all the particulars of this transaction that are necessary to be mentioned with your Report to the Governor General's Agent, and it will have been forwarded on. Although I am certain that, as the Maharajah Nursing Pal, to whom of right the Government of this State belonged, gave that right to Bhurt Pal, and adopted him, by the mercy of God he will be established by the British Government. Trustful in the above high Government, I am living quietly in my

own house, and I am in every way and at all times obedient to the orders of my superiors, and not intriguing with any one: but all the people here are bad and selfish; they raise up divers squabbles for the gratification of their own avarice and greediness; but I am confident that you, by the goodness of God, are very wise and just, and that no rascal or rebellious person will prevail with you. I now actually hear that a memorial in favor of Muddun Pal, under the seal and signature of the whole of the Thakoors and others, has reached you: on this account it appeared to me necessary that I should write concerning sundry matters to you, that the evil-speaking and lying propensities and want of conscience of the people here may become very apparent to you. The fact is, that, in time past, after the death of Maharajah Hurbuksh Pal, the Thakoors of all the Kotrees were assembled here, and their Thakooraees remained inside the Palace; they made out a writing that the birth of Pirthee Pal was correct: to this the Thakoors of all the Kotrees and the respectable men of the city affixed their signatures, and they affirmed his birth under solemn religious affirmation by their signatures and evidence: they each obtained from the Rancee Kuchwyjee a writing for villages and forts and hereditary successions (Bapotee). When nothing remained to the Rancee Kuchwyjee, they then joined Maharaj Pertab Pal, and having caused Pertab Pal to affix his signature to grants of jagheers and hereditary succession (Bapotee), they denied to him their having signed the memorial: afterwards the end of it was that *that* very memorial is yet producible, and is enclosed in this letter to you. My desire in this is, that the rascality of the people here may be understood by you, who, for their own avaricious desires, act so dishonestly; there is no confidence

in their signatures or Agreements; perhaps Muddun Pal also has now, after exciting their avarice, caused them to write this memorial. Having placed your orders on my head, I am silent, for I do not undertake such transactions. It is well known that Maharajah Dhurum Pal, in consequence of some events happening, made Kheerut Pal Rao; had he not done so, it would have been the right of Jus Pal, and considering this right, Maharajah Nursing Pal gave in gift this his right in the State to one of the posterity of Jus Pal, *viz.*, Bhurt Pal, and adopted him: the same has been the custom handed down from ancient times; for among the posterity of Maharajah Rutten Pal, successor to Maharajah Gopal Singh, Rao Hem Pal was the rightful heir of the State; but he left the care of it to Toorsun Pal, who was the Thakoor of Koondul, and seated him on the throne. In this way in the house of Rao Kheerut Pal, successor to Rao Zoorawur Pal, the right of Raoship rested with Bukhsh Pal; but Madho Pal was adopted and Bukhsh Pal disclaimed. Moreover, in Jodhpore the right to the throne rested with Dhowkul Singh, but the Maharajah of the country caused it to devolve on Maharajah Tukht Singh: in this manner also, after the death of Pertab Singh, Rao Bukhtawur Singh had no right to the throne; the right belonged to the Bijawur Thakoor, but Bukhtawur Singh was made the holder of the throne. My real meaning is this: that Maharajah Nursing Pal was the master of the rights of the State of Kerowlee; he of his own will and affection gave the right to Bhurt Pal, who, in truth, being of the progeny of Jus Pal, is the rightful heir to the throne, and adopted him, because Muddun Pal was inimical to the life of Maharajah Nursing Pal: primarily in this transaction whatever rebellious and perverse counsels were apparent in his conduct have been

brought to light, and lastly, whatever was the extremity of enmity he committed; it is known to all; there is no occasion to mention it openly, and when can it ever happen that any one should become master of the property of him whose life he has sought? I am very certain that you are just investigating the rights of the case; you will make good the rights to the rightful person. Maharajah Nursing Pal adopted Bhurt Pal; he is my grandson; I am contented with obeying the orders of my superior in every way: the fact of Bhurt Pal being my grandson is concluded, and I am altogether on his side (with him). I now trouble you that, as it is the custom of wise and just rulers to forward to the Officers holding superior authority whatever papers are produced, good or bad, therefore, if Muddun Pal's petition be sent on to the Governor General's Agent, this my letter also, together with the other papers enclosed, may be sent with it, for the sake of making known the disgraceful conduct of the people here, and should it have been already sent on, that you would be good enough to allow this and the enclosures to be forwarded also.

(Sd.)      MAHJEE SAIH GOOJEE.

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**ENCLOSURE NO. 2.**

Translation of general petition from the whole of the Judoon relations and Puthans, Meer and Mootsuddies, Ahuddadars, Sepoys, Captains, Ressaldars, Jemadars, &c., the Mussulman and all the servants of the State of Kerowlee, to MAHARANEE SAHIB SREE MAHJEE SAHIB KUCHWYJEE, to MAHJEE SAHIB SREE RAJAWUTJEE, to MAHJEE SAHIB SREE SESODNEEJEE.

ON the day Maharaj Hurbuksh Pal died, several people brought to the Durbar Pertab Pal for the purpose of putting him on the throne; it was hoped that the Sesodnee Ranee was with child, on which he ordered his relations to act with deliberation and proclaim Sreejee as their ruler. At that time they did not pay due attention to your orders, and Pertab Pal was being proclaimed; on which you directed Sreejee to be proclaimed, and said, "do not proclaim him" (Pertab Pal), and you sent and seized the person proclaiming and imprisoned him: you did it because you were convinced of the Sesodnee Ranee being with child. Four months afterwards, we all, together with the Rajah's relations, petitioned, saying that "many doubt the truth of the Sesodnee Ranee being with child, wherefore show the Sesodnee Ranee to our Thakooranees; they will tell us of the truth of the fact, when we shall be freed from all doubt." You called our Thakooranees and showed her (the Ranee) to the wives of respectable men and Hurdeneen Chowles, and certified the truth of the pregnancy; the two women and Thakooranees told us, and then the truth came to all our minds: whatever is the custom in this Raj for pregnant women was performed before us all; our wives were present at the time. Afterwards, when Pertab Pal knew its truth, he left the city, and Thakoor Lutchmun Chund and other Thakoors who were with him went away

and began to concert witchcraft (prog), and the agents for it were seized and brought. On Phagun Budh 2, Sumbut 1895, Sree Maharaj Pirthee Pal was born of the Sesodnee Ranee, at which time the wives of all the royal family were present; we all remained at the outer door: we were all very much pleased to hear of the birth of the Sree Maharaj; and as they say there is a doubt in the mind of Pertab Pal of the birth of Sree Maharaj Pirthee Pal, he is himself false. Looking only to his own advantage, he desires to make a disturbance in the country, and sedition that he may rule in this State, so he clearly commits rebellion and ruins the State. There is no doubt of the birth of Sree Maharaj Pirthee Pal; he was born from the womb of the Sesodnee Ranee by Maharaj Hurbuksh Pal. We, all the relations, Mootsuddies, Ahuddadars, Sepoys, are all the servants of this State, and the servants of Maharaj Pirthee Pal; till Maharaj Pirthee Pal is grown up we will all obey you. If any of us do differently, we are as if we changed our religion, and guilty to the Sirkar Company; outcastes, outlaws, from our lands. We have written this of our own pleasure to you, dated Asar Budh 13th, Sumbut 1896.

(Sd.) Thakoor Sham Pal.  
 Rao Guj Singh, of Janeewur.  
 Thakoor Pertab Singh, Bheerthoowara.  
 „ Urjun Singh.  
 „ Kasram of (illegible).  
 „ Pirthee Singh of do.  
 „ Ram Singh, of Kho.  
 „ Bulwunt Singh, of Samarda.  
 „ Rae Singh of Machee.  
 „ Santhul Singh, of Futtehpoor.  
 Subadar Phylad Singh.



(Sd.) Jemadar Ikram Khan.  
„ Mehrab Khan.  
Jemadars of Cavalry.  
Lalla Bhugwan Singh.  
Subadar Imam-oodee Khan.  
Rambux.  
Chowdry Ram Chund.  
Bhugut Singh.  
Meer Umjad Alee.  
Sumput Singh, of Ootgurrh.  
Piriadas.  
Sheer Singh, Kuchdeo Singh.  
Mohun Chund.  
Thakoor Bichit Singh, of Subhdee.  
Koomedan Luchmun Singh.  
Captain Gholam Mahomed Khan.  
Rugwunt Singh, of Machanee.  
Debe Singh, Mokun Singh, of Seria.  
Mundhir Singh.  
Thakoor Girwur Singh.

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## ENCLOSURE NO. 3.

Translation of a paper to the address of the SESODNEE RANEE of MAHARAJAH HURBUKSH PAL, showing that the Ranee was pregnant.

WE, the wives of the relations and Thakooranees of the Chiefs, went to see whether the Sesodnee Ranee was pregnant; we saw her and she is pregnant: should any object, wherever we may have to answer for the truth of this, we will do so.

Signature of Chowdry Ram Chund, dated Mahabudi  
6th Sumbut 1895.

Signatures of Madho Pal and Thakoor Sham Pal.  
That our wives have seen the Ranee, who is  
certainly pregnant.

Thakooranee Chohanjee, of  
Thakoor Madho Singh, of Ootgeerwaree.

„ Chuttur Pal, of Rajpoor.

„ Mohun Pal.

„ Urjun Singh, of Moorar.

Ruttunlal, son of Chowle Jellal.

Thakoor Runjoot Singh, of Khureta.

Rao Guj Singh, of Janeewur.

Chowbey Girdharee, High Priest.

Sheer Singh, of Telwaie.

Bichet Singh, of Salvidee.

Rugnath Singh, of Machanee.

Pertab Singh, of Burthoom.

Hathee Singh, of Chobey.

Jowan Singh, of Borwasea.

Beharee Pal, of Inayutta.

Jowahir Singh, of Kho.

Dewan Gopal Bux.

Chowdry Ram Chund.

Goshwamee Sree Burun Kishor, who have seen with  
my own eyes that the pregnancy is certain.

## • ENCLOSURE NO. 4.

Translation of a letter from MAHJEE GOOJEE to the address of LIEUTENANT MONCK MASON, Political Agent, Kerowlee, dated 11th May 1853.

FORMERLY I sent you a letter with the memorial signed by all the Thakoors concerning the integrity of the birth of Pirthee Pal. I now understand for various reasons you have not forwarded it, and I send you this letter, in the hope that you will be pleased to send this, together with the previous letter and the memorial, to the Governor General's Agent. My desire is, that by sending it, in case the above-named memorial should reach the Governor General's Agent and be compared with that in favor of Maharajah Pertab Pal sent formerly, and which will be in the Office of the Governor General's Agent, the Governor General's Agent will be able to understand the veracity or falsehood of the family of the Rajahs of this State. The fact is, that I rely on Government and lean on the justice of the British nation, and have strong hope that the Sirkar in their great justice may follow out the wishes of Maharajah Nursing Pal, like what happened at Jodhpore, Oodeypore, Kotah, and Ulwur, &c. If not, though I am a woman in purdah, without power to move, yet I also can bring forward, God willing, a memorial; less, but somewhat like the one Muddun Pal has produced; but such being reckoned redundant for passing judgment by the British Government, I did not make arrangements for it. This is my request, that my prayer be sent to the Governor General's Agent. My intention is, that enquiry has been made from all the several Political Agents in Rajwarra regarding the custom of adoptions, and it is certain that all the Agents, after enquiring from the principal people of each State, will have sent in their letters. I do

not know what has been written from each State: if I knew the contents of the Report of each Political Agent, and if I was aware that in some States, like Oodeypore, Jodhpore, Ulwur, Kotah, &c., where the same circumstances have occurred which have happened to Maharajah Nursing Pal, the people of those States have given information to the several Agents contrary to the act of Maharajah Nursing Pal, I myself will write to them a letter containing the account of the acts (adoptions) in their own States, and forward it also to the Governor General's Agent, in the hope that he will consider on their deeds since they write against the adoption by Nursing Pal, but do not reflect on what has been done in their own States: adoption is customary in the whole of Rajwarra, and it can be done though the presumptive heir be not adopted. There are numerous examples of it; in Jodhpore, in Ulwur, in Kotah, in Shopur, in the various Kotrees, the heir presumptive is not adopted, and the person in possession can do as he thinks proper. Like as in Jeypore, after the death of Maharajah Juggut Singh, Mohun Nazir, who was the manager, seated on the throne Man Singh of Nurwur, and not the Jhellaiman, who was presumptive heir; when it was understood that a queen in the Palace was pregnant and a son was born, the above Nazir deposed Man Singh: in like manner at Kerowlee, after Maharajah Gopal Singh, Hem Pal was the presumptive heir, but the persons who were managing the State sent for Toorsum Pal from Koondul and seated him on the throne and set aside Hem Pal: at that time the royal family said nothing. The fact as to whom the people here would prefer and the reason of their preference is as follows:—

Their pleasure and displeasure depends upon the

satisfaction of their avarice, and does not rest upon the right or otherwise of a party. Like as, after the death of Maharajah, Hurbuksh Pal, consequent on their desire for great wealth, the relations of the Rajah joined Rancee Kuchwyjee, and signed the general petition attesting the birth of Pirthee Pal; afterwards, when the Rancee had no more wealth, and Maharajah Pertab Pal had gratified their avarice by grants of jagheers, villages, and hereditary successions (Bapotee), they joined him and did not consider their own sealed signatures a bit. In this manner, if Maharajah Nursing Pal had not desired the presence of a British Agent, and their perfidies had still continued, none of the royal relations would have been dissatisfied. They now still think that, if Bhurt Pal should continue on the throne, the Agent will remain, and their profits will cease; hearing this, I consider that it is superfluous to enquire into Maharajah Nursing Pal's age; he died at the age of 16 years: whatever were his abilities and qualifications are known to you; there is no occasion to mention them. It is well known that "age depends on knowledge and not on years," and the Maharajah possessed the wisdom to preserve the State amidst the confusion caused by Muddun Pal and Luchmun Pal and others. If the Maharajah had not determined to call in the Political Agent, it is certain it would not have been possible to have preserved this State, because there were great disturbances in it, and great injuries inflicted on the neighbouring ones. What proof then is there that the State would have lasted? The fact is, that the Maharajah did not call the Agent, because the well-being of the country could not have been preserved by the Maharajah, but for the expulsion and compulsion of the rioters: this was the result of the advent

of the Agent. On this account the very coming of the Agent is a proof of the intelligence and cleverness of the Maharajah, and no less was the calling of the Agent an act of *his* wisdom; and if it be not so, let the servants of the Maharajah on oath be asked whether it was not done by the sole Council of the Maharajah. The time of coming of age is settled according to laws by the British Government; but the proof cannot be made to apply to Hindostan, because, on account of the heat of this country, many men and women are fit for marriage before the age of fifteen, and by enquiry the truth of the above can be proved. The Maharajah was fit for marriage a long time before his death, and his betrothal had taken place; but on account of the squabbles in the management of the State, the arrangements for the marriage were not concluded; therefore his not being married cannot be reckoned a sufficient reason for his not having power over his own country; for this reason, whatever has been done by the Maharajah has been in every way lawful. I am much concerned in this business, because the royal family have been eating the vitals of the State for the last 14 or 15 years, and destroyed it. When Maharajah Nursing Pal ascended the throne, he, of his own ability, so arranged matters, that the rascality of his relations might be stopped, on which account they all became his enemies, and by means of the names of the Ranees of Pertab Pal inveigling them and putting them forward (the real leaders being Muddun Pal and Luchmun Chund and others), they endeavoured by open and secret means to take the Maharajah's life. Thousands of men managed to creep into the Palace and lived upon thousands of Rupees, squeezed and plundered from the country and taken from the Ranees. The Maharajah, by calling for the Political Agent,

destroyed the profits of these rebellious people and ruined them. It will be astonishing if the petition signed by these enemies of the Maharajah be reckoned patent; also consider that, after the Maharajah had determined on chastising them and they became his enemies, how can they be made to act according to his desire or counsel, and will not those who were with Muddun Pal and under him when he plundered the country still act with him? I am hopeful of obtaining justice from the Government in this affair; and if such be done, that whoever quarrels with the Rajah because of a claim, and that claim be not in retribution destroyed, it is certain that every one having a claim will remain inclined to kill every Rajah in hopes of obtaining the throne. It is well known, too, that the son does not receive the rights of his father, because he is his enemy and disobedient. Nuwab Nusseer-ood-deen Hyder, King of Lucknow's son, was Moona Jan; he rebelled against his father. After Nusseer-ood-deen's death, the rulers, agreeably to the last Will of his father, did not seat Moona Jan on the throne, but placed some one else, who was a relation, on the throne, and Moona Jan was present, but not entitled to the throne. In this manner at Kerowlee Maharajah Manuk Pal's eldest son was Amoluk Pal; he rebelled against Manuk Pal, but had not such enmity as Muddun Pal, on which Manuk Pal turned Amoluk Pal out: he lived and died in the Fort of Ootgurrh.

(Sd.) MAHJEE SAH GOOJEE.

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## ENCLOSURE NO. 5.

Letter from Political Agent, Kerowlee, to the address of MAHJEE GOOJEE  
SAHIBAH, dated 13th May 1853.

YOUR letter has been received concerning the adoption of Bhurt Pal, and that, if the former letter you sent on this subject has not been sent to the Governor General's Agent, it be forwarded with this letter, as enquiries are going on there concerning this case, and enquiries concerning the rights of the question are being prosecuted in Rajwarra. Whatever investigation was necessary in this case has been brought to a close, and whatever was necessary to be written has been written, and there only remains the expectation of an answer from Government. I do not know who has told you this or how you heard it: there was no use sending on the memorial which was before sent in by you and by Muddun Pal, but for fear that the Raojee might reckon some favoritism had been exercised in withholding his memorial, it has been forwarded; and because I considered it immaterial to send your petition, I did not send it or your letter. Now, from your being not pleased, I fear I ought to have sent it, and I now write that, though in sending your general petition and that of the Rao there is no use or object to be gained, yet, for your satisfaction, I am forwarding to the Governor General's Agent both your letters and the general petition.

(True Translations.)

(Sd.) JOHN C. BROOKE, *Captain,*  
*Asstt. Poltl. Agent, Meywar.*



**ENCLOSURE NO. 6.**

Letter from MAHARANEE SREE MAHJEE NURROOKEE, (Chief Ranee of MAHARAJAH PERTAB PAL,) and from MAHJEE RANEE SREE MAHJEE BANKAWUTJEE, (second Ranee of MAHARAJAH PERTAB PAL,) to the address of SIR HENRY LAWRENCE, K. C. B., Governor General's Agent for the States of Rajpootana.

As at the death of the boy Nursing Pal I wrote a letter to the Political Agent in favor of Muddun Pal, it is certain you will have heard its purport; it is now eleven months since this State has been without a ruler, in consequence of which we are abused and made light of in the country. We have now heard that you have made enquiries concerning adoption from the several States; the circumstances are as follows:—At the time of the death of the old Maharajah (Hurbuksh Pal) my Maharajah (Pertab Pal) was the presumptive heir to the throne; in accordance with his right, and with the consent of the relations and responsible servants of the State, he ascended the throne, and at his death the right to the succession rested with the Rao of Hudotee (Nursing Pal); in accordance with his claim and ancient usage, with the consent of the relations and ancient servants of the Raj, having placed Nursing Pal on the throne of this State, I obtained the consent of the English Government for the succession of the boy: wherefore a khureeta expressive of satisfaction at my right decision came to my address from the above Government, and which I still possess. By the will of God he departed this life in tender years, without having tasted the fruit (marriage) of this transitory world; on which account my request is, that, after Nursing Pal, the right to the sovereignty of the State belongs to the Rao of Hudotee (Muddun Pal); in like manner, as Nursing Pal ascended the throne of Kerowlee from being Rao of Hudo-

tee according to his right, and Rao Muddun Pal became Rao of Hudotee, the right to the State rests, therefore, with the Rao of Hudotee. The custom and observances of all States is, that, at the death of any sovereign, he is appointed to the throne who is next of kin and the rightful claimant, since, *firstly*, in this State none but Muddun Pal has any claim to the succession; *secondly*, this succession has now reached the family of Kheerut Pal; *thirdly*, Muddun Pal is the nephew of my Maharajah (Pertab Pal); in this way also Muddun Pal is the presumptive heir of the throne; and in all States the custom and ceremony of adoption is as follows:—It is the right of the next of kin and presumptive heir, not an affair of business, to be given to those who may be favorites. It is certain that never has the right of the presumptive heir been as yet destroyed by the Officers of the English Government, and never have the ancient ceremonies and customs been changed in any way in any State by the same Government. Regarding, therefore, that this State has been favorably considered from ancient times by you, it is hoped that no ceremonies or ancient customs of this State will be altered a single hair's breadth by you, because, *firstly*, Nursing Pal himself was young and had not reached puberty, and was not married; because he had not come to the age of puberty, and he had not been allowed by the British Government to interfere in any way with the affairs of the State: since, then, the British Government had not allowed him to interfere in the affairs of the State on account of his youth, how could he interfere so much as to adopt a son? In the act of adoption, the consent of us all and of the near relations is necessary; wherefore, without giving information to us and to the relations, without having been married, the adoption of a person so foreign

(distant) was an act impossible. During his (Nursing Pal's) life there was no mention ever of an adoption; but after his death certain self-interested people, for their own profit, consulting together, sent a khureeta concerning an adoption to the Political Agent: the custom of adoption without marriage and without performing the usual customs on adoption is nowhere allowed in any part of Rajasthan. This is well known to you; and if the sovereign of a State do not inform you of its affairs, whom shall he inform? The British Government is the just of the world, &c.; therefore they should give, in friendship, the requisite orders to this State by which the customs may remain as formerly. We, reckoning Muddun Pal the rightful claimant of this State according to strict justice, now trouble you that the load be taken off our shoulders. Your justice and the report of your doing right is, like the sun, apparent to all Rajasthan, and we are in hopes that you will favor us with an answer to this khureeta, that we may be acquainted with (your decision). Continue to write to us.

Signed by and Seal  
of Maharancejee Sree  
Mahjee Sabib Nuroojee.

Signed by and Seal of  
Mahjee Rancejee Sree  
Mahjee Bankawutjee.

(Translated.)

(Sd.) J. C. BROOKE, *Captain.*

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## ENCLOSURE NO. 7.

KHUREETA from MAHARANEEJEE SREE MAHJEE SAHIB SREE SESODNEEJEE (wife of MAHARAJAH HURBUKSH PAL), to the address of SIR HENRY LAWRENCE, K. C. B., Governor General's Agent for Rajpootana.

THE throne of Kerowlee has been empty for the last eleven months: this has brought disgrace upon the State among those allied to it and throughout Rajwarra; for which I am much ashamed. I have now heard that you have written concerning the customs of adoption to the States of Rajasthan. This is an account of the events here: from our ancestors not having issue, this State came to the family of Kheerut Pal when Nursing Pal became Rajah from holding Hudotee, which was approved by the British Government, and Rao Muddun Pal became Rao of Hudotee in due succession. Now that Nursing Pal, Maharajah, is dead and Muddun Pal is the presumptive heir of the State, in like manner as Maharaj Nursing Pal was Rao of Hudotee and became Rajah (of Kerowlee), so now the right of the State belongs to Rao Muddun Pal, and there is no other, excepting Muddun Pal, who is a rightful claimant and the nearest of kin: this is the custom of adoption throughout all Rajwarra; whoever, after the death of the sovereign, is the presumptive heir and a near relation is seated on the throne, and a favorite cannot be chosen. In the Palace in which Maharajah Nursing Pal lived I also reside; and I used to go to enquire concerning the health of Maharajah Nursing Pal, but I never heard mention made of an adoption. On the day that Maharajah Nursing Pal died I went to enquire, but even on that day I heard no mention of it; I heard three or four days after Maharajah Nursing Pal's death that some scoundrels of servants had written a khureeta about the adoption: you be pleased to consider

this well, for it is no falsehood. The Maharajah Nursing Pal had no power to speak concerning the affairs of the State, and on account of his youth he was not married; how can his power to adopt be acknowledged? and without being married he could do nothing: no adoption could be made by a youth. I am in hopes you will grant it (the throne) to the rightful claimant: you are the ruler over all Rajwarra; be pleased to show your favor to this State, by which my caste and the dignity of the State will be preserved. You will be pleased to understand that the Kamdars here have intrigued very much; if you do not take notice of the intrigues carried on by the Kamdars since the Agency has been established here, then who will? Be pleased to continue to write. Dated Jeyt Budh 13th Sumbut 1909.

Signed by Sree Maharaneejee Sree Mahjee Sahib Sree Sesodneejee.

(Translated.)

(Sd.) J. C. BROOKE, *Captain.*

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## ENCLOSURE NO. 8.

Kyfeent on the part of all the Rajpoots, Thakoors (of the Kotrees, &c.) of the ancient Hon'ble Chiefs, and the faithful servants of the State, and other people, residents of the City and Province of Kerowlee, Hindoos and Mussulmen Chiefs and inhabitants for hundreds of years, who have affixed their signatures to the address of LIEUTENANT-COLONEL SIR HENRY LAWRENCE, K. C. B., Governor General's Agent for Rajpootana; written on the 28th May 1853.

It is now eleven months since the throne of the State of Kerowlee has been empty for want of a successor; on which account the knowledge of it has caused ridicule among our relations in Rajasthan. The whole account will have been previously understood by you of the right of succession to the throne of Kerowlee, and with whom the right (to the throne) rested, and the death before marriage of the Maharajah at the age of 15 and some months, and the news of the adoption on the advice of certain rebellious Kamdars for the sake of their own avaricious desires and the destruction of the State; the writing of the memorial by us all, connections, belonging to the State of Kerowlee, and the khureetas from the Rancees which were sent to you through the Political Agent of Kerowlee. Those rebellious people say that the khureeta (of adoption) was given during the life-time (of Maharajah Nursing Pal); but that was a time when he was insensible and forgetful and dying. The khureeta was signed because the seal being in the possession of those rebellious parties, they could do with it as they pleased. You are aware that the boy who was stated to have been adopted was brought into the city two days after the Maharajah's death. At the time you came to Kerowlee you heard our opinions in the Common Hall of

Audience, that there was no other rightful claimant to the throne of Kerowlee, excepting Muddun Pal. We have now heard that enquiry and search is being secretly made by threats in Kerowlee, so that, should the signatures and agreements or witnessing of a few people come before you, you will be pleased to sanction (after considering with justice and enquiry) what is written in the memorial which was previously sent to you. Because the British Government is wise and just and generous, wherefore we hope that you will, in kindness and justice, give so righteous an answer that the rightful claimant may receive his right, and we all, great and small, will ever pray for you; and the report of your good name and justice may be spread near and far throughout Rajasthan, &c. Another request is, that another kyfeut of the same meaning as this has been sent to the Political Agent, Kerowlee: perhaps the account of it will have reached you.

Seal of Luchmun Chund, of Umurgurh.	Seal of Thakoor Rao Be- haree Pal, of Naytee.	Seal of Thakoor Sham Pal, of Raonurutta.
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Pertab Singh, of Dhoorwas.  
 Bhowance Singh } of Burrora.  
 Girwur Singh }  
 Thakoor Kurrin Singh, of Khandunpoor.  
 „ Kasarain, of Futtelpoor.  
 Ram Singh, of Kho.  
 Thakoor Bhooput Singh, of Seemurwar.  
 Hurjun Singh, of Semurda.  
 Imrut Singh, of (illegible).  
 Gujraj Singh, of Choutara.  
 Mehtab Singh, of Mamcharee.  
 Nehal Singh, of Retalee.  
 Oodey Singh, of Dhorera.  
 Punchum Singh, of Newaree.  
 Phylad Singh, of Suledee.  
 Buldeo Singh, of Suledee.  
 Kishore Singh, of Suledee.

Rao Kupoor Singh, of Punchpoor and  
 Maggudrae.  
 Thakoor Gopal Singh, of Hurnuggur.  
 Rao Munohir Singh, of Machee.  
 Thakoor Hunmut Singh, of Machanee.  
 „ Bhugot Singh, of Megrey.  
 „ Mulkan Singh, of Kotey.  
 „ Oomrao Singh, of Ootgurh.  
 „ Jeswunt Singh, of Maokhera.  
 Koomadan Lutchmun Singh.  
 Khooman Rao.  
 Simbhoo Rao.  
 Choudry Nechareyram.  
 Signature of all the Jagan (bards).  
 Heera Kee Jyga.  
 Gopal „ „  
 Milya „ „

Sobha	Kee Jyga.	Thakoor Sultan Singh, of Bhysat.
Bhowanean	„ „	Jemadar Mehrab Khan.
Doonga	„ „	„ Mahomed Noor Khan.
Ishur Singh, of Mudhara.		„ Runmust Khan.
Chundun Singh, of Maut.		„ Suddoo Khan.
Kesree Singh, of Gurrhee.		„ Arif Khan.
Jemadar Ali Mahomed.		Koonwur Kishen Chowlee, High Priest.
Hurdeo Pal, of Chaoragaon.		Dhabye Newul Singh.
Nadun Pal, of Khayadar.		Moonshee Meer Inayut Ali.
Budree Pal, of Baroda.		Chattal Singh, of Kesspoora.
Gobind Pal, of Purdampoor.		Thakoor Oomrao Singh, of Bajney.
Joogul Pal, of Khoobpoora.		Dewan Buldeojee.
Seal of Thakoor	Seal of Thakoor	Hurgobind, of Machulpoor.
Raghoonath Singh,	Buldeo Singh, of	Seal of Thakoor
of Burthoon.	Deogurh.	Seal of (illegible.)
Mulloop Pal, of Roopaora.		Luchmun Chund,
Mohun Pal, of Neetra.		of Amma.
Bijey Singh, of Bolaj.		Seal of (illegible.)
Lutchmun Singh, of Chuggr.		Chutter, Singh, of Mengun.
Girdhur Singh	} of Koondur.	Newul Singh, of Kissulpoor.
Pertab Singh		Shunkur Singh, of „
Indur Singh	} Macharey.	Sumuder Singh, of Nelnewla.
Gopal Singh		Sham Singh, of „
Thakoor Bishen Singh, of Gopalpoor.		Thakoor Motee Singh, of Norwallee.
Seal of Thakoor	Seal of Gunga	„ Kathee Singh as Rajah (Rajah-
Golab Singh, of	Singh, of Moteea,	kee-thor).
	Futtehpoor.	Thakoor Dullel Singh as Silver (Roopa-
Seal of Thakoor	Thakoor Salamut	kee-thor).
Net Singh, of Mo-	Singh, of Chynpoor.	Thakoor Sispal Singh as Hair (Bal
teea, Futtehpoor.	Thakoor Amal	kee-thor).
	Singh, of Bukhbux-	Thakoor Suroop Singh, of Bukhanpoor.
	poora.	Chundun Singh
Thakoor Sheo Singh, of Rampoor.		Raghoonath Singh
„ Sher Singh, of Sunet.		} of Panchon.
„ Bulwunt Singh, of Tetwaie.		
Perohit Futtooram, of Hurdanea.		Dan Singh
Goosain Ruttee Gir.		Phylad Singh
Thakoor Sirdar Singh, of Benaiga.		} of Buregaon.
„ Doongur Singh, of Khanpoora.		
		Gobind Singh, of Nissapoor.
		Tej Singh, of Killaoda.
		Raghoonath Singh
		Girdhur Singh
		} of Harkhan.
		Thakoor Man Singh, of Gubbabhae.

Addressed to MAHARAJAH SREE MUDDUN PAL, RAJAH, RAO of Rampoor.

(Translated.)

(Sd.) J. C. BROOKE, Captain.



## ENCLOSURE NO. 9.

Abstract of LIEUTENANT MASON's opinions regarding the claims of the rival Candidates to the Chiefship of Kerowlee.

*Kerowlee.*—Rao Muddun Pal is the direct representative of the second son of Dhurum Pal (the line of the eldest son being extinct), and the British Government has to a certain extent acknowledged him as the lineal heir of that branch by admitting his claim to Huddotce.

Muddun's arguments are, that an old man, without sons and without the hope of sons, having assembled and obtained the advice of his Chiefs, having consulted with the Political Agent and obtained the permission of the Paramount Power, might have adopted the lineal heir of a common ancestor: that Bhurt Pal's adoption was irregular, because Nursing Pal was under age.

The only two arguments against the claims of Bhurt Pal which have any weight in Political Agent's mind are, that Nursing Pal, being a minor and unmarried, had no power to adopt. I have consulted with Rao Muddun Pal, every Chief and influential person in Kerowlee, "and I have particularly remarked that Nursing Pal's nonage has never been adduced as an obstacle to the adoption. Moreover, the plea of Nursing Pal's nonage does not, I think, occur in any of the documents setting forth the claims of Muddun Pal."

Political Agent presumes, therefore, that, in the eyes of the people of the country, Nursing Pal was not under-aged: the Paramount Power would decide whether Bhurt Pal was sufficiently old to adopt according to Hindee Law.

As to Nursing Pal's having been unmarried, all his and Bhurt Pal's friends affirm that, though there are no instances of adoption by unmarried persons, there is no rule against it: no man will adopt whilst there is a prospect of his marrying and begetting heirs. Nursing Pal was betrothed before he was called to the throne, and would have married but for the conduct of Muddun Pal, certain Ranees, and Chiefs who brought about a state of anarchy which obliged him to apply for British protection.

Political Agent also adds that he could not marry according to Rajpoot custom until

Because he had been for about a year deprived by the Supreme Government of independent power in his Principality.

he should have become *bond fide* master of his inheritance.

When Political Agent went to Kerowlee, three years ago, Nursing Pal was nominally ruling without any Regency; that he had ruled for a year, and would have continued to rule had Muddun Pal and others been loyal. That these latter "trampled on, plundered, and afterwards murdered, the owners and cultivators of the soil and ruined the State,—a system which would most probably flourish for a time under Muddun Pal, who, in the days of Nursing Pal's unaided nonage, was foremost in the rank of oppressors and plunderers, leader of rebels, openly opposed to lawful authority, and, according to my own unshaken opinion and general belief, the director (as I formerly officially stated) of a secret conspiracy against the life of his sovereign."\*

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\* He was fully acquitted of this by Colonel Low.

(Sd.) H. M. LAWRENCE,  
*Agent, Govr. Genl.*

Because he did not assemble and obtain the approbation of his Chiefs.

No assemblage of Chiefs could have taken place to consult about the succession, because the strict orders of the Governor General's Agent and Political Agent compelled all the Chiefs to reside on their Estates.

Because he did not consult the Political Agent or obtain the authority of the Paramount Power.

Had the Political Agent been addressed, he could not (till authorized) have countenanced the adoption, and on that account Nursing Pal delayed to announce it.

Because he did not seal the announcement with his large Official Seal.

The Rajah's large Official Seal was in the Political Agent's custody, who would not have given it up on the Rajah's requisition.

Because he did not adopt the direct heir.

The adoption was made purposely to prevent the succession of Muddun Pal, who was, for very cogent reasons, peculiarly obnoxious to the dying testator.

Opinion of the Chiefs of Kerowlee.

The Political Agent, on the 12th October, submitted a memorial, signed and sealed by

numerous Jadow Chiefs, in support of Muddun Pal's claims : he does not attach so much importance to the memorial as it seems to possess. A like memorial was signed (though not so generally as that now submitted) by many Chiefs and others of influence at Kerowlee, to set aside the rights of Pertab Pal.

The signatures were not dictated by personal friendly feelings for Muddun Pal, nor by the consideration that he was the next heir.

The memorial was the result of intrigue, and not a record of the feelings and wishes of the aristocracy of Kerowlee.

Political Agent has, during the last year, received two memorials, very numerous, signed by Thakoor Luchmun Chund and other Chiefs, regarding claims of Nawab Surfuraz Khan against the Kerowlee Government : in both cases the memorials were returned, as

Political Agent would not acknowledge the right of the Chiefs or any other inhabitants of Kerowlee to dictate or interfere individually or in a body in any matter.

To the memorial of the Chiefs in favor of Muddun Pal seventy signatures were attached; of these—

24 were Chiefs of Kerowlee.

6 landed proprietors of Districts paying no tribute.

7 relatives of Muddun Pal.

33 who had no right to vote.

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70

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Grounds of preference of the Chiefs for Muddun Pal.

The nominal grounds of preference of Chiefs for Muddun Pal are his rights: the real ones are the supposed consequent removal or relaxation of British influence and restoration of the iniquitous system under which they aggrandized themselves.

Opinion of the neighbouring Chiefs and their grounds of preference.

The signatures of 9 Chiefs, inhabitants of neighbouring States, are affixed to the memorial: that of the Rao of

Surmuttra is amongst the number.\* The Rao told Political Agent that he had no preference for Muddun Pal's claims, and wished to obtain permission to sign before he did so; wherefore Political Agent conceives his signature resulted from some Chiefs of his acquaintance having also signed; cannot account for the other 9 signatures. The chief family of Pahargurh, in Gwalior, is in favor of Muddun Pal's claims, having given him 2 or 3 wives; whilst the Shoorpoor family is in favor of Bhurt Pal, the mother of Nursing Pal (Goojee) being of that house.

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\* He has lands in Kerowlee.

(Sd.) H. M. LAWRENCE,  
*Agent, Govr. Genl.*

(Abstracted.)

(Sd.) J. C. BROOKE, *Capt.*

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## ENCLOSURE NO. 10.

Abstract of opinions of Political Officers in Rajpootana regarding the Kerowlee Succession question, in reply to Circulars Nos. 430 and 437 from Agent, Governor General, for the States of Rajpootana.

THE succession to the throne of Kerowlee should rest, according to Majors Rickards, Anderson, and Captain Brooke, with Muddun Pal as nearest of kin; the preference of the Chiefs showing he has no mental or physical disqualification. Major Anderson says, that the paper produced by the Queen mother, as expressive of the wishes of the late Rajah, is supposed to have been a forgery, or, admitting the paper to be genuine, it is considered the act of an immature judgment.

Opinions regarding succession.

Major Rickards says, that Bhurt Pal was not adopted according to Rajpoot custom, as the late Rajah did not publish the fact to his Chiefs, kinsmen, and dependants, nor gave gifts or perform the usual ceremonies; and also because the widow of the late Rajah had no legal right to adopt a child.

Captain Burton mentions the opinion of the Rao of Kotah that the adoption of Bhurt Pal, who is two degrees further removed, would be the height of injustice to Muddun Pal and his sons, and decidedly at variance with the usages and doctrines of Hindoos.

Opinion of neighbouring Chiefs regarding claims of Muddun Pal and Bhurt Pal.

Lieutenant Mason states that among the signatures to the memorial of the Chiefs, &c., of Kerowlee in favor of



Muddun Pal, were those of nine Chiefs of neighbouring States, amongst them the Rao of Surmuttra, for most of which he cannot account.

The preference of the Chiefs of Kerowlee for Muddun Pal is ascribed by Captains Burton and Brooke to the hope that the accession would result in a more permanent and resolute Government than could be expected from a child of Bhurt Pal's age, who must continue for several years secluded in the female apartments, and have his affairs managed by a Ranees and British Officer. Captain Burton also mentions that Muddun Pal has children, wherefore ulterior possession by his heir would be certain,\* whereas the birth of a son to his juvenile rival is remote: but the reason which would predominate most in the minds of the Chiefs in deciding between the merits of the parties would consist in the withdrawal of the Political Agent from interference in the affairs of the State, to which the rude people of Kerowlee have ever evinced an antipathy.

Lieutenant Mason affirms Muddun Pal's rights as the ostensible reason of the preference of the Chiefs that the relaxation of British management would be followed by a restoration of the iniquitous system under which the Chiefs aggrandized themselves, and which would most probably flourish under Muddun Pal, who, opposed to lawful authority, was, according to Lieutenant Mason's opinion, the

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\* This is a mistake; his sons are dead.—H. M. LAWRENCE, *Govr. Genl.'s Agent*.

director of a secret conspiracy against the life of his Sovereign.

Lieutenant Mason says, that the only argument having any weight with him against the claims of Bhurt Pal is that, being a minor and unmarried, he had no power to adopt; but that this plea never having been urged in any document setting forth the claims of Muddun Pal, he conceives that, in the general opinion of the people of the country, Nursing Pal was not under age: that Officer also adds, that, though Bhurt Pal's friends cannot produce instances of bachelors adopting, they say there is no rule against their doing so: that Nursing Pal was betrothed before he ascended the throne, but that he could not marry, according to Rajpoot customs, until he should have become *bonâ fide* master of his inheritance.

(Sd.) JOHN C. BROOKE, *Captain.*

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## ENCLOSURE NO. II.

Abstract of Answers of questions propounded in Circulars Nos. 430 and 437 regarding practice of Adoption to Chiefships in Rajpootana.

MR. BRANDRETH says, "the object of adoption is evinced by the derivation of the Sanscrit word

Object of Adoption.

"pootr," a son, because "Rayuta" he delivers (from hell). Captain Burton says, it is the preservation of the succession in one family, excluding female roots and preventing the introduction of a foreigner, through the caprice or partiality of a reigning Prince or his widow.

Qualification to adopt rests upon the person being destitute of male issue, and the law enjoins that the adopter should not seek a son till past the age of begetting one—(Mr. Brandreth.) Sir R. Shakespear says, “there is no rule on this head, but there is no form so binding as when a man, having lost his wives and despairing of having a son of his own, openly adopts one.”

Mr. Brandreth and Captain Burton both say that, on the husband’s death, it is the right of his widow to adopt; that, during life, “the husband should consult with his wife as to the person to be adopted:” should they differ, it is her duty to yield as being under his authority, and that the right of adoption is absolute with him.

Captain Burton adds that the selection must be made “with the knowledge and consent of the principal members of the family and of the chief Counsellors of State. The ceremonies, as far as practicable, with recognition of the title, must be effected in public.” Major Rickards, in addition, lays great stress upon the fact of publication. Mr. Brandreth quotes Mr. Sutherland’s Synopsis, page 218, that “giving notice of the event to the Rajah and sending invitations to kinsfolk appear rather to give publicity and notoriety than to be any essential part of the adoption.”

It may be inferred (Mr. Sutherland’s Synopsis, page 212) that, if male issue be disqualified by any legal impediment, such

Adoption by reason of disqualification of male issue.

as loss of caste, the affiliation of a son might legally take place.

A doubt, he continues, might be entertained as to the validity of an adoption by one not being in the order of Guhi (house-holder or married man), or by a blind, impotent person disqualified from inheriting: the correct opinion appears to be that an adoption by any of the persons described would be valid.

Sir R. Shakespear, Major Anderson, and Captains Burton and Brooke all say, and Lieutenant M. Mason seems to imply, that a minor cannot adopt, and that there is no instance known to them of a Rajpoot Chief, a bachelor, who was not at the same time a minor: "such an adoption would not be binding to the clan; and after the Chief's death the question would be discussed on its merits, and such adoption would have little weight"—(Sir R. Shakespear.) "Celibacy is so stigmatized that no Hindoo would have the temerity to remain single: a bachelor is a nonentity in the social code of Hindostan: their marriages are contracted in early life; but as an impubescent male or female cannot adopt or devise property, the inheritance then descends in a collateral line"—(Captain Burton.) An exception to the above is mentioned in the case of Tara Bae at Gwalior, aged 7, on the death of her youthful husband; Junkojee Rao Scindiah being declared by the voice of the Chiefs their Sovereign and adopting the present ruler of Gwalior.

Lieutenant-Colonel Lawrence quotes Macnaghten,

Chap. VI., Vol. 2, page 175, to show that adoption by a bachelor is not at variance with Hindoo Law ; no instance is, however, known to him, and the only one mentioned is by Lieutenant Mason : it is that of Bhurt Pal by Maharajah Nursing Pal of Kerowlee.

A widow can adopt after husband's death, having received his consent to do so—(Captain

Adoption by widow with husband's consent obtained.

Burton and Mr. Brandreth.) The

Sudder Dewanny Reports, Vol. 3,

page 387, and Vol. 2, page 168, have ruled that the husband's consent is necessary ; but the Vyuvahara Myookh, a work much esteemed among the Mahrattas, and with which the customs of Rajwarra are more in unison than with any other, says, the sanction of the husband is not necessary ; the consent of the husband's relatives alone is sufficient.

Mr. Forbes, Political Agent, Myhe-Kantah, says, that

Adoption by widow without husband's consent.

in Guzerat adoptions must take place

during the life-time of a Chief ; it

cannot take place after his death by his widow : in case of death, the succession would proceed to the next male heir. Majors Keily and Anderson, Captain Burton and Lieutenant Mason take the same view : “ unless the proper heir be disqualified by insanity or any other infirmity from assuming the reins of sovereignty, when whoever was next of kin would succeed by right of propinquity ”—(Major Keily.) Captain Burton says, the right of the nearest male relative would not be disputed by the principal feudatories, unless he had committed some grave act of treason. Lieutenant Mason says, that at Kerowlee there was one succession by right of propinquity.

Sir R. Shakespear, Mr. Brandreth, and Captain Brooke state that, on the death of her husband, it is the widow's duty to consult his relations and adopt an heir with their consent. "The chief men of the clan assemble; the widow names the person, and the Chiefs agree or persuade her to adopt some one else: no adoption can be made without her consent nor without the consent of the majority of the clan"—(Sir R. Shakespear.) Captain Brooke says, the Chiefs of the State are consulted to induce them to present their nuzzurs of allegiance, but in case the Ranees agree with the family and household as to the person to be chosen, they, as feudal dependants, have no right to interfere.

The same Officer continues: should the Ranees not agree and refuse to yield, the Chiefs and family "can put a successor on the throne independently of them, as adoption is not necessary to succession. In like manner, in case of there being no widow, or the widows becoming suttee, the succession is determined by election by the family and Chiefs, who go through the usual ceremonies." All such, however, require the sanction of the Sovereign in case of large fiefs and of the Chiefs in case of lesser ones: the instance of Maharana Sirdar Singh, of Oodeypoor, is given, called to the throne by the Chiefs and household in opposition to the Zenana influence which was exerted in favor of the son of Maharaj Sheer Singh, and in whose case the ceremonies merely of adoption were gone through, as well as that of Rawul Bahadoor Singh, of Banswarra, chosen by the will of the Chiefs in preference to the Khandoo Maharaj, the "next of kin."

Captain Burton says, that the allodial nobility exercise the power of nominating to their own Estates, and, as an instance of the power of the Chiefs, adduces the succession of the present Maharajah of Jeypoor, who was a posthumous child, and superseded the claims of a boy adopted during his father's life-time, \* which was done entirely by the Nobles of the country. In Kerowlee also the Chiefs in full conclave elected Pertab Pal, the predecessor of the late Rajah, to the throne, when Pirthee Pal (the choice of the Ranees) had, with his mother, removed into her native country.

Lieutenant Mason mentions two instances of election by Chiefs, feudal dependants, retainers, &c. : *1st*, Toorsun Pal elected Maharajah of Kerowlee after the death of Gopal Singh; and *2nd*, Pursotun Singh's election to the Rao of Surmuttra in succession to his elder brother, Jeswunt Singh. Lieutenant Mason, however, considers these cases to have been irregular, and, in common with Major Anderson, Captain Burton, and the Bombay Political Officers, thinks the succession ought to fall, in cases where there has been no adoption, to the "next of kin."

In the paper Mr. Brandreth received from Oodeypoor, on the question of adoption by widow without consent of husband, it is stated that the feudal superior of the Estate should be consulted, and he has a right to object in the event of his being satisfied that the person sought in adoption is disqualified from want of capacity or other

Feudal superior to be consulted.

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\* No, the adoption was after the Maharajah's death.—H. M. LAWRENCE, *Agent, Govr. Genl.*

causes; and in that case he will nominate some other person, and his nominee will be received. "The Rawul of Jeypoor," the same gentleman proceeds, "makes no mention of the interference of a superior authority, but merely observes that, if the husband should have died without having signified his wishes with regard to his heir, either in writing or before competent witnesses, his wife must consult with his relations, and can adopt whom she pleases after obtaining their consent." Major Rickards says, that interference is generally disallowed by Rajpoots, but that it does occasionally take place, and gives two instances, one of the Thakoor of Diggee adopting with the consent of the other Thakoorances and the Maharajah, and the other of the widow of the Rajah of Kundela adopting by the orders of the Maharajah of Jeypoor. In Marwar, "when the widow and Chiefs disagree, a reference is made to the Maharajah, and the adoption is delayed until some agreement can be come to."

Mr. Brandreth makes allusion to the case of Ahmednuggur as one in which, after the adoption of Maharajah Tukht Singh to the throne of Jodhpoor, the right of the widow of the former Rajah to adopt was set aside by the British Government and Ahmednuggur lapsed to Eedur. Major Keily, however, says that it reverted to Eedur in consequence of failure of heirs male, and because "no adoption can take place without the consent of the Durbar, which stands in the same light as next of kin, and whose interests must be equally respected."

Adoption ought to take place within 12 days after the



death of the adopter—(Mr. Brandreth and Sir R. Shakespear;) yet this is not absolutely necessary, and several cases are cited in which the final selection could not have been decided for a much longer period.

The adoption should (according to the same Authorities and Captain Burton) be by the Right to adopt with senior wife. first wife, who alone in Rajwarra has the power of adoption, whatever may be the rank of the others, though the case of Gungapersad Rae is quoted in the Sudder Dewanny Reports (Vol. II., page 136), in which a son was adopted by *each* of two widows and was held by the Court to be valid.

Sir R. Shakespear, Major Keily, and Lieutenant Mason consider that the “nearest of kin” ought to be adopted. Major Keily says, that in all cases the adoption must be made with consent of next heir to the throne; but if he refuses to waive his right, the adoption cannot take place, for, if there was no check of this sort, it would be in the power of the Chief, if so disposed, to do grievous wrong to the next heir; and also, if the custom of the country permitted the widow to select from whomsoever she pleased, it is presumed she would never run the risk of being detected in pretended pregnancy by the imposition of a spurious child, either bought or obtained from her connexions, a practice which has been frequently attempted. The Genealogical Trees of the Assoph and Marote families, furnished by Sir R. Shakespear, both pass over the nearest of kin and adopt younger branches of the family. Lieute-

nant Mason too adds that the rule has been deviated from as often as followed, and Chiefs may please themselves by excluding near and adopting more distant relations. He furnishes eight cases of adoption of "next of kin" and eleven cases in which the "nearest of kin" were passed over, many of these being drawn from the Kerowlee royal family. In four the lineal heir did not acknowledge the adoption, and in only one was the adoption by the widow.

Major Rickards, Mr. Forbes, Mr. Brandreth, Captains Burton and Brooke, on the contrary, say, that the person adopted need not be "next of kin," but selected from the lineal or collateral descendants in the male line. In proof of this the selection of the present Maharana of Oodeypoor in preference to his elder brother and sons, and of Bahadoor Singh, of Banswarra, in preference to the Khandoo Maharaj, and of the Doongurpoor Rawul in preference to the senior branches of the family, are familiar instances.

In Jhallawar adoption is allowed, but the selection restricted to the lineal descendants of Jalim Singh, the State having had its rise in him. Captain Burton, who mentions this, also refers to Ram Singh, the present ruler of Kotah, and nephew of the late Maharao Kishen Singh, who was adopted in 1826 to the prejudice of his uncle, the next lineal heir (Bishen Singh). The questions resulting from this were proposed to a Select Committee of Hindu Pundits. The answers were given unanimously and corresponded with Mr. Gordon's own opinion, and the Pundits quoted the passages of the Dhurm Shastres and Poorans, in which the above doctrines are held. They found that a Prince can adopt his nephew to the exclusion of his

brother, senior to the father of the nephew; that the age of a person does not affect the right of adoption; and that, if a son be born subsequent to the adoption of his nephew, the right of the latter to succession ceases, but he is entitled to a suitable provision. This was deemed satisfactory, and two years afterwards Ram Singh succeeded to the throne of Kotah.

The present Rajah of Kishengurh and Kotah are both mentioned by Captain Burton as having been adopted by the widows of their predecessors to the exclusion of the "next of kin."

Captain Brooke conceives that, during his life-time, a Prince may adopt whomsoever of his relations he chooses, provided he can persuade the Chiefs and family to present nuzzurs, and this acts as a powerful check on his choice.

Selection by Prince during his life-time, &c.

The adoption of the Pertabgurh Rajah by the late Rawul of Doongurpoor, mentioned both by Colonel Lawrence and the above Officer, is an instance of the adoption of a stranger, which, however gained, still held good as an adoption and would have entitled the Rajah of Pertabgurh to succeed to Doongurpoor had not the other throne fallen vacant.

Selection of stranger.

Whilst allowing that a preference should be given to a brother's son or near relation, Mr. Brändrèth does not think it indispensable, but that a choice may be made from more distant ones; and adduces in proof the choice of a son of the Rajah of Marwar, fourteen generations removed, by the widow

of Maharajah Juggut Singh, of Jeypoor, setting aside the descendants of Bharmull. Another case which exhibits the entire independence of the husband is given in the case of the Pergunnah of Bhinae. The Rajah of Bandurwarra, against the wishes of relations, rejected a son of the Jodahs, who was a near relation, and adopted one of the family of Jugmala, the son of the Thakoor of Lamba. These, however, must be regarded as exceptions to a general rule, as all the Officers and Authorities agree that the adoption ought to be made from the same tribe, and even family, of deceased Prince.

Mr. Brandreth, Mr. Forbes, Major Keily, and Captain Brooke consider mental or physical defects as disqualifications for adoption to a throne. The first gentleman also says, that a lame or blind son would succeed before an adopted one, but a younger son free from infirmities would succeed before his elder, infirm brother, who, however, must have a provision made for him; but if the latter have a perfect son, the succession would be his right before the younger brothers: a reason is always assigned for passing over any particular individual; the elder brother of the present Rawul of Doongurpoor having been passed over in consequence of being pitted with small-pox—(Captain Brooke.)

In different States of Rajwarra there are certain families from which, on the failure of issue, it is generally considered an adoption ought to take place; in Marwar from the descendants of Ajeet Singh; at Oodeypoor from the Ranawuts—(Mr. Brandreth.) Major Anderson

In Rajwarra families from whom selection for the throne is made.

says, so long as a blood relation exists at Serohi, no adoption can be made beyond the pale of consanguinity; failing a blood relation, adoption can be made by the Rao from among the Deora Chohans, but not without the consent of his wives and his principal Chiefs.

An only or an eldest son must not be given in adoption—(Mr. Brandreth and Major Rickards;) it may, however, be done for his advantage. Doorjun Sal in his life-time adopted the eldest son of Ajeet Singh, the aged Chief of Umtah. The Jhala Minister took upon himself to alter this, and, contrary to Ajeet Singh's wishes, placed the latter on the throne; after his death his eldest son succeeded.—(Captain Burton.)

Major Rickards remarks that nearness of kindred is generally barred in case of the first-born son, who is supposed heir to his own father's property; of the remaining sons the adopter may make choice, and here the principle of fitness comes into play: "on the same grounds where two men are equally near, greater fitness on the part of one will make his adoption legal."

It is against custom for an elder son to be adopted to a smaller Estate, as it is not in the power of the father to remove his son to his disadvantage—(Mr. Brandreth.) This point was decided by a majority of Thakoors assembled at Ajmere, where the widow of the Thakoor of Koda adopted the heir of the larger fief, Para. The legality of such a course was referred for decision to the States of Oodeypoor, Shahpoorah,

Kishengurh, Kotah, and Jhallawar, and answer was returned unanimously to the effect that the heir of a large Estate could not succeed by adoption to a small one. All the principal Thakoors of Ajmere were summoned to give their opinion, which was, that no adoption under the circumstances would be valid: this decision was founded on the consideration that no such adoption had ever taken place,\* and that the Thakoor of Para could not disinherit his son, as, after his transfer to Koda, he could not inherit his own father's Estate.

The adopted party must not be the son of one whom the adopter could not have married:—  
 Sister's son or daughter's son. thus, a sister's son or a daughter's son would be debarred, though the custom prevails amongst the Mahrattas; nor would it be lawful for a Kuchawa to adopt a Sesodya, &c.

A brother or an uncle may not be adopted according to the Shastres, but the adopted son ought to be of the same or younger generation—(Sir R. Shakespear.) Mr. Forbes mentions the same custom as prevailing in Guzerat. The present Rana of Oodeypoor, however, is a brother of the late Rana's and in the family of Ahwa, of which the Genealogical Tree is furnished by Sir R. Shakespear: the person standing in place of uncle to the deceased Thakoor thought himself aggrieved, fought for the succession, and was slain.

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\* The widow denied that she had made an adoption after the son of the Thakoor of Para had been in possession *three* years: the adoption probably was illegal, but no sort of evidence was taken as to its not having been made.—H. M. LAWRENCE, *Govr. Genl.'s Agent*.

An interesting case of succession is mentioned by Mr. Brandreth as having occurred at Kishengurh : Pirthee Singh, the grandson of Bagh Singh, the second son of Bahadoor Singh, a former Rajah of Kishengurh, was adopted by a direct descendant of Bahadoor Singh's with the assent of most of the Chiefs : Bhopal Singh, the son of an elder brother of Pirthee Singh's father, disputed the succession ; all the Chiefs of the State were consulted on the occasion, and they gave it as their opinion that the adoption ought to be made from the descendants of Bahadoor Singh, and, provided this were done, there might be a latitude in the choice, which need not be restricted to the elder branch. Colonel Sutherland, to whom the case was referred, after taking the opinion of the Chiefs, consulted Maun Singh, Maharajah of Jodhpoor, who was looked up to by all Rajpoots for his knowledge of the customs and precedents of caste ; his voice supported the decision of the Ranee and Chiefs, and finally the adoption received the sanction of the British Government : Pirthee Singh was the fifth son of Bheem Singh, so that his four elder brothers, besides Bhopal Singh and his sons, were passed over.

Mr. Brandreth also shows that by the Statutes of Menu, IX., page 168, the same son cannot be adopted by two fathers.

Adoption is also, by the same Authority, sometimes annulable, as in the case of the death of an elder son, when the youngest, who has succeeded by adoption to a small Estate, becomes heir to a larger one. Thakoor of Kuchayun is instanced, who, on the death of his eldest son, though he

had two others, recalled his second son from Palara, to the widow of the Thakoor of which place he had given him for adoption.

A son cannot be given in adoption without the consent of his own parents—(Mr. Brandreth.)  
Consent of adopted son's parents necessary. The Sudder Reports decided that, where the son is given in adoption by the widow without having obtained her husband's consent, or where he has not been delivered over by either of his parents, but only by his brother, the adoption is invalid.

Adoption does not rest upon any particular ceremony, the non-fulfilment of which would  
Intention of adoption sufficient. invalidate it: the intention of the adopter decides the question. All that is necessary is to prove this; and when this is established, ceremonies that have been neglected can be performed after the adopter's death by his widow.

When the choice has been decided on, but before the ceremonies have been performed, if  
Adopter can change in his choice before ceremonies have been performed. the father should wish to reject him and adopt another, he can do so; but must make some provision for him whom he rejected.

In the same way, if, after adoption, a legitimate son be born, the adopted one is passed over—  
In case a legitimate son be born after adoption. (Mr. Brandreth;) but an adequate provision must be made for him. The answer from Oodeypoor stated that the adopter ought to make an agreement with the parents of the adopted son, such agreement being



attested by five (5) witnesses, that he will make a certain provision for him in the event of a legitimate son being born, who will of course succeed to the Estates. The adoption of the brother of the Bhinae Rajah by the Thakoor of Burla is mentioned, to whom a legitimate son was afterwards born and who succeeded to the Estate.

All agree that the age of a person is no bar to his adoption, and the instances of Maharajah Tukht Singh, of Marwar, Rawul Bahadoor Singh, of Banswarra, and the Maharana of Oodeypoor are all cases in point. Lieutenant Mason says, that the adopted person should be a child, but that the rule may be deviated from.

Restriction as to age (Mr. Brandreth) only relates to cases in which no relationship exists when an infant under 5 years must be adopted: according to the Myookh there is no restriction when a relation is adopted.

Colonel Lawrence ascribes the reason for choosing minors to be \* \* \* \* \* because long minorities are favorable to speculation.

### *Forms of Adoption and Results.*

The customs to be observed in adoption are laid down by Mr. Brandreth. The Chief and his wife, having agreed that there is no chance of their having a son, fix upon one to adopt, and send for his horoscope, which is compared with the adopters'.

If propitious, the relatives of the family and others are consulted, and the parents of the boy are asked: the boy generally resides with the family to which he is to belong for some 5 or 6 months before the adoption takes place.

If the adopter is too ill to undertake the ceremonies or at the point of death, all that is necessary is to assemble the relations with the utmost expedition, to tell them the Chief's pleasure and to enjoin them to observe it; and a paper to the same effect is prepared, to which all parties affix their signatures.

If the husband dies before the adoption takes place, or has left his commands to his wife on the subject, after the 12 days of mourning are over, the turban, shield, and sword of the deceased are placed on the principal seat, and, the relations being assembled, the Joshee and Purohit invest the adopted son with the turban, &c.; the relations and subjects then approach, make salutations, and present nuzzurs.

The ceremonies to be observed on a succession to the throne are distinct from those on adoption. The new monarch performs his ablutions with a thousand gurrals of water, supposed to be collected from the four oceans, to which is added some from the Ganges; or, instead of this, with water taken from all the thousand pitchers: he then adorns himself in the most magnificent manner and proceeds to the Durbar, when, after the tiluk, &c., the ceremonies are considered complete.

The son after adoption cannot inherit in his natural family; he is a stranger to them in all respects but marriage, with regard to which all the prohibitions continue in force: he must also, if he has come into possession, resign his natural Estate: he succeeds to the property of his adoptive father, and has all the rights of a posthumous son; and in case of there being other legitimate sons, his share in the succession is one-half of theirs.

In case of the adopted son being a minor, his adoptive mother is his proper guardian, and after her the father's relatives. The Guardianship of adopted son. Rawul of Jeypoor mentions that the most deserving of the relatives should be selected, but he must be restrained from usurpation, and can only incur such expenses for his ward as are absolutely necessary.

The Sudder Dewanny Reports (I, page 209, Sham Chundurundal *versus* Narajni Debehandal) are quoted by Mr. Brandreth, "from which this principle was deduced, that there may be two successive adoptions under due authority for that purpose by the widows of the same man." No cases in proof of this custom are given by Mr. Brandreth, but Sir Richmond Shakespear, Major Rickards, and Captain Brooke, all give instances: the first Officer the cases of the Sathine and Kejurla family, where the widow of Bharut Singh adopted no less than three times: Major Rickards mentions three adoptions by the same widow in the Chiefship of Danta, in Jeypoor, a second adoption in the Chiefship of Rehlanah and in that of Kutwa, and that such has been the common

practice in former years in Jeypoor: Captain Brooke states that the present Rajah of Sunawarra is a second adoption by the widow of Rajah Futteh Singh, the first adopted son having died soon after his accession and while still a minor; and that the widow of Raj Singh, the Puar Chief of Runa-sun, has adopted three successive times.

Lieutenant Mason says, a second adoption can be made after the death of the first adopted son. Captain Burton, however, supposes it can only take place when the first adoption has been made during the life-time of the Chief, as a subsequent selection cannot be supposed to have emanated from him. The right of succession would then, according to Captain Burton, devolve "on the presumptive heir, and he would be supported by the principal Chiefs of the country, whose suffrage and sanction are necessary to every succession, whether by adoption or succession."

(Abstracted.)

(Sd.) J. C. BROOKE, *Captain,*  
*Asstt. Poltl. Agent, Meywar.*

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## ENCLOSURE NO. 12.

*Answers from Thakoor Soondur Pal, father of Muddun Pal, to the questions regarding Succession propounded by the Governor General's Agent.*

*Question.—1st.* What is the custom regarding succession and adoption in Kerowlee among the Chiefs and Thakoors?

*Answer.—1st.* If a Sovereign have no issue, and be old or about to become old, he can adopt him who is nearest of kin for the peace of the State and succession to his property; but if he die before he has adopted any one, then his widow can adopt the nearest of kin.

*Question.—2nd.* Is the custom that is current the same that has always been, or has there been ever any change; if so, state it and the causes?

*Answer.—2nd.* There has been no change in the customs, that have been always current.

*Question.—3rd.* At the time of adoption what customs are requisite to complete the act of adoption, and it is also necessary to know to whom the right of adoption belongs?

*Answer.—3rd.* The near relations and connections, and the Sirdars and Ministers, being assembled, adopt him who is "nearest of kin," and feed all who are present, and hold Durbars and rejoicings, and give the Teeka on the forehead of the adopted person, and present nuzzurs, and order cannon to be fired, that every one may be informed and notified of the fact, and perform all the ceremonies in like manner as if they were celebrating a marriage. The power of making the adoption rests first with the Chief; after his death with his widow; after her with his mother; after the latter's death with his brother; provided that the Prince himself be not an adopted person: if there be none of the above parties, then the relations who possess greatest

dignity and wisdom adopt and seat on the throne him who is the near relation.

*Question.*—4th. If a Prince or Chief die without issue and without having made an adoption, what is the custom for succession in your State in such a case?

*Answer.*—4th. If a Sovereign die without having issue or having adopted a son, the widow takes him who is the nearest of kin.

*Question.*—5th. What is the custom in case the Prince be not married?

*Answer.*—5th. His mother adopts: if he has no mother, then the power rests with his brother; but if the Sovereign be himself an adopted person, the power rests with the mother of that place into which he had been adopted: his real mother has in such a case no power.

*Question.*—6th. At what age is a Prince considered fit to be entrusted with the affairs of the State?

*Answer.*—6th. At 15 years of age.

*Question.*—7th. Should there be no son and the Prince not have adopted one, would he who is nearest of kin be the heir, or would there be a choice made from others, and with whom would the right of making the choice rest?

*Answer.*—7th. If there be no son or adopted son, whoever is the near relation succeeds; no one else can come. At the time that Rajah Hurbuksh Pal died Rajah Pertab Pal, who was the nearest relation, succeeded him and was seated on the throne; and at the time that Rajah Pertab Pal died without issue, his Ranee, Chundelanjee, collecting his brothers and relations, sent for and adopted Nursing Pal, who of the survivors was the nearest of kin. In place of Nursing Pal at Hudotee, Colonel Low, Governor General's Agent, Rajpootana, decided that Muddun Pal, who was the

nearest of kin, should succeed. The right of making the adoption is set forth in the answers to the 3rd and 5th questions.

*Question.*—8th. What is the custom and usage of adoption,—should the next of kin be chosen, or one of those near of kin, or a foreigner? Can a foreigner succeed in preference to one near of kin?

*Answer.*—8th. If there be a nearest of kin, it is not proper to adopt from the near relations, and by no means can an adoption be made of a stranger: if there should be an heir, then in no way could a person not an heir come from a foreign family.

*Question.*—9th. Is it necessary that the adopted person be a child?

*Answer.*—9th. If there be an heir grown up, a child cannot be adopted, because injury to the State is apparent from a child reigning.

*Question.*—10th. If the adopted person die, can a second adoption be made or not, and whose right would it be to make the second adoption?

*Answer.*—10th. If an adopted person die, then, for the security of the State, it is necessary that another be adopted: if the deceased was married, the widow adopts; if not, then his mother or brother, provided the Prince himself be not an adopted person.

*Question.*—11th. In case there be no widow, and it be determined to adopt either a child or grown-up person, what would be necessary to complete his succession to the throne? If there be any difference in consequence of the adopted person being a child or otherwise, state the difference.

*Answer.*—11th. If there be no widow, and it is necessary

to adopt, then the brothers assemble, and whoever amongst them is the eldest and fittest goes through the customs. If there be no such individual, the oldest wife of those who are near relations adopts and completes the customary ceremonies. This is the reason for adopting a grown-up person—the splendour and Government of the State are preserved. By adopting a child, injury and evil come upon the State. Besides this, if the nearest of kin is a grown-up person, then what necessity is there for taking a child, and remaining in hopes till his coming of age for the future good management of the State?

*Question.*—12th. Admitted that it is customary that a Prince arrives at age when 15 or 16 years old, if he should be less than 15 or 16 years of age, but intelligent and clever and very careful, in case he desires to adopt a son, could he do so?

*Answer.*—12th. An adoption is made when there is no hope of a son, notwithstanding several marriages and reaching the age of nature, and not in the tender age when he cannot even marry. Although he have wisdom and intelligence, acuteness and knowledge, there is no trust in his word or actions, and what necessity is there for him to adopt in childhood? Should he be dying and say anything which he may have been instructed by others to say concerning an adoption at the time of death, will his intelligence and knowledge be such that it may be trusted? At that time he is thinking of his life, and not of the management of the State and of who is wise, especially in such tender age.

(Translated.)

(Sd.) J. C. BROOKE, *Capt.*,  
*Asstt. Poltl. Agent, Meywar.*



## ENCLOSURE NO. 13.

Abstract of letters from MAHJEE GOOJEE, of Hudotee, addressed to Political Agent, Kerowlee.

THE right to the sovereignty of the State of Kerowlee rested with Maharajah Nursing Pal, who gave that right to Bhurt Pal by adopting him, and I trust he will be confirmed by the British Government.

I hear that a memorial has been sent you in favor of Muddun Pal, under the seal and signature of the whole of the Thakoors, &c., of Kerowlee; on which account it is necessary I should make you acquainted with their perfidy. After the death of Maharajah Hurbuksh Pal, the Thakoors of all the Kotrees wrote out a paper affirming the birth of Pirthee Pal, for which they obtained promises of villages, &c., from the Ranee Kuchwyjee: when she had given away all she had, they joined Pertab Pal and obtained the like promises from him, denying that they had signed the above paper. The memorial (Enclosure No. 2) is enclosed in this letter. From it you will understand the dishonest and avaricious conduct of the Thakoors and royal relations. I should not be surprised if Muddun Pal had obtained their signatures by the same underhand means; but *I* am above such transactions; no doubt I could, had I made arrangements for it, have drawn out a memorial less, but somewhat like Muddun Pal's; but I conceive it unnecessary for obtaining justice from the British Government.

Maharajah Dhurum Pal made Kheerut Pal Rao of Hudotee, otherwise it would have been the right of Jus Pal; and it was in consideration of this right that Maharajah Nursing Pal adopted Bhurt Pal, one of the descendants

of the said Jus Pal. Adoption is customary in Rajwarra, and it is not necessary that the presumptive heir be adopted. There are numerous examples of this in Jeypoor, Ulwur, Kotah, Shoorpoor, and the various Kotrees of Kerowlee. In Jeypoor Mohun Nazir seated Man Singh, of Nurwur, on the throne, who was not presumptive heir. In like manner, at Kerowlee, after the death of Maharajah Goolab Singh, Hem Pal, the presumptive heir, was set aside for Toorsun Pal. In the family of Rao Kheerut Singh Madho Pal was adopted in supercession to Bukhsh Pal. In Jodhpoor Dhokul Singh was the heir, but the ruler of the country caused the succession to devolve on Maharajah Tukht Singh. Rao Bukhtawur Singh also succeeded to the throne before the Beejwar Thakoor. Maharajah Nursing Pal holding, therefore, the reins of the State adopted Bhurt Pal, who, in truth, being of the progeny of Jus Pal, is presumptive heir to the throne.

I trust that the British Government may allow Nursing Pal's wishes to be followed out, as has been done at Jodhpoor, Oodeypoor, Kotah, &c., since I hear that enquiries have been made from the several Political Agents in Rajpootana regarding the custom of adoption. The Agents must have sent in their letters on information procured at the several Courts: I do not know what they have written, but I know that the same circumstances under which Maharajah Nursing Pal adopted Bhurt Pal have happened at Oodeypoor, Jodhpoor, Kotah, Ulwur, &c. Should the people at these Courts have advised the Agents against the legality of the act of Nursing Pal, I myself will write to them and convict them of the adoptions made in their own States.

It is superfluous to enquire into Maharajah Nursing Pal's age; he died aged 16: there is no need to mention here his great abilities; "age depends on knowledge, and not on years." The Maharajah possessed the wisdom to preserve the State amidst the confusion caused by Muddun Pal and others: the State would have been ruined had not the Maharajah determined on calling in the Political Agent. He did not call him because he could not himself have preserved the well-being of the country, but for the expulsion of the riotous Thakoors. This very calling in of the British is a certain proof of the Maharajah's wisdom and intelligence, and it was his own act, done without asking the advice of any one.

The period of coming of age is settled by laws by the British Government, but they cannot apply to Hindostan, for, on account of the heat of the country, many men and women reach the age of puberty before 15. The Maharajah was marriageable long before his death; he had been betrothed, but the ceremonies had not been completed consequent on the squabbles in the State: his not being married cannot, therefore, be regarded as a proof that he was not fit to manage his country. The royal family had been eating the vitals of the State for the last 14 or 15 years; but the late Maharajah so arranged that he stopped their ill deeds, on which they all became his enemies; and, putting forward the Ranees of Pertab Pal (the real movers being Muddun Pal and Luchmun Chund), they endeavoured by open and secret means to take the Maharajah's life; they introduced men into the Palace and plundered the country, and revenues: the Maharajah, by calling in the Political Agent, destroyed the profits of these people.

It would be very wonderful if the prayer of a memorial signed by these enemies of the Maharajah was granted, for how can those whom he desired to chastise act according to his wishes? Will they not all do as Muddun Pal bids them? If the claims of those who quarrel with Rajahs be not, as a punishment, destroyed, will not all those who have claims on thrones desire to kill the Rajahs occupying them? A son does not succeed his father when he bears him enmity. Moona Jan at Lucknow did not succeed his father, Nusseer-ood-deen Hyder, against whom he had rebelled, but had to stand by whilst another relation ascended the throne. In like manner, at Kerowlee, Maharajah Manuk Pal's eldest son, Amoluk Pal, was turned out by his father, though he did not bear the enmity of Muddun Pal.

Muddun Pal's evil deeds have been brought to light, and there is no extremity of crime which in his enmity he did not attempt to commit. It is not necessary to mention it more openly, but when can it happen that a person can succeed to the property of him whose life he has sought? I am certain you are just. Bhurt Pal is my grandson, and I am for good or ill with him. I trust, therefore, that if you have sent on Muddun Pal's memorial to the Governor General's Agent, you will be good enough to forward, at the same time, this letter, with its enclosures, that the disgraceful conduct of the Kerowlee people may be made known.

(Sd.)      SAH GOOJEE.

(Abstracted.)

(Sd.)      J. C. BROOKE, *Capt.*,  
Asstt. Poltl. Agent, *Meywar.*

**ENCLOSURE NO. 14.**

Free Translation of a memorial addressed to the Political Agent, Kerowlee, by certain Chiefs, Government servants, and other inhabitants of Kerowlee, dated May 1853 (Bysakh Soodee Sumbut 1909), received 22nd July 1853.

THE throne of Kerowlee having been vacant for nearly eleven months, we are an object of scorn to our relatives and friends in Rajpootana.

Rao Muddun Pal is the rightful heir to the Kerowlee Principality.

Maharajah Nursing Pal died unmarried, aged 15 years and 7 or 8 months: two days after his demise a report of the adoption of Bhurt Pal was spread by certain evil-disposed State servants, who consulted only their own interests, and not the benefit of the State.

We have addressed you before regarding these matters.

Our former memorial and certain letters from the Ranees have been (we believe) forwarded to the Governor General's Agent, Rajpootana.

The self-interested officials alluded to assert that the khureeta announcing the adoption was sent to you while the Maharajah was alive.

We submit that His Highness was insensible and that he was a minor. From the tenor of a Notification issued under your signature we understood that the Maharajah was considered by the British Government a minor.

You are our master and just; hitherto the British Government has not deprived any man of his right: we doubt not that, after due consideration, the right man will be acknowledged.

We shall all pray for your welfare, &c., &c.

- (Signed.)
- |    |  |
|----|--|
| 1  | Luchmun Chund, Chief of Umurgurh.              |
|    | Beharee Pal, Chief of Inayutta.                |
|    | Sham Pal, Chief of Raothera.                   |
|    | Hurdeo Pal, Chief of Jeswara.                  |
| 5  | Nadun Pal, Chief of Kaodeh.                    |
|    | Pertab Singh, Doolwas.                         |
|    | Raghoonath Singh, Chief of Burthoon.           |
|    | Budree Pal, Chief of Baroda.                   |
|    | Bhowanee Singh, Berondah.                      |
| 10 | Girdhur Singh, Berondah.                       |
|    | Buldeo Singh, Deogurh.                         |
|    | Govind Pal, Chief of Purdampoor.               |
|    | Korun Singh, Chief of Kiddurpoor.              |
|    | Kasee Ram, Chief of Futteh Simur.              |
| 15 | Sirdar Singh, Government servant.              |
|    | Gopal Singh,               "               "   |
|    | Joogul Singh, Chief of Khoobpoora.             |
|    | Ram Singh, Chief of Kho.                       |
|    | Mulloop Pal, Chief of Roopaora.                |
| 20 | Bhooput Singh, Chief of Simur.                 |
|    | Mohun Pal, Chief of Neetra.                    |
|    | Hurjun Singh, Chief of Semurda.                |
|    | Imrut Singh, Government servant.               |
|    | Bijeh Singh (of Gwalior?)                      |
| 25 | Gujraj Singh, Government servant.              |
|    | Girdhur Singh,               "               " |
|    | Mehtab Singh,               "               "  |
|    | Nehal Singh,               "               "   |

- Phylad Singh, Government servant.
- 30 Golab Singh, Pauchaloo.  
Punchun Singh, Government servant.  
Oodey Singh,               "               "  
Lutchmun Singh,       "               "  
Buldeo Singh,               "               "  
35 Kishore Singh,       "               "  
Kupoor Singh Rao,       "               "  
Salamat Singh,       "               "  
Bishen Singh, Gopalpoor.  
Gopal Singh, Chief of Hurnuggur.
- 40 Munohur Singh, Chief of Machee.  
Net Singh, Moteea, Futtelipoor Chief.  
Gunga Singh,       "               "               "  
Hunmut Singh, Chief of Machanee.  
Oomoluk Singh, Bukhtpoora.
- 45 Shere Singh, Chief of Rampoor.  
Bhugwunt Singh, Mengree.  
Mulkhan Singh, Chief of Kotah.  
Bulwunt Singh, Chief of Tetwaie.  
Futtooram.
- 50 Jeswunt Singh, Chief of Maokhera.  
Oomrao Singh, Government servant.  
Sirdar Singh, Benaiga.  
Lutchmun Singh, Government servant.  
Doongur Singh, Khanpoora.
- 55 Khooman Rao.  
Simbhoo Rao.  
Sultan Singh, Bhyst.  
Heera.  
Gopal.
- 60 Bhowanee.  
Doongea.  
Sobha.  
Mehrab Khan, Government servant.

- Mahomed Noor Khan, Government servant.  
 65 Runmust Khan, Government servant.  
 Saadut Khan, Government servant.  
 Aruf Khan, Government servant.  
 Chattal Singh, Chief of Kespoora.  
 Chundun Singh, Government servant.  
 70 Koowur Kishun.  
 Kheree Singh.  
 72 Eesuree Singh, Chief of Majola.

(Translated.)

(Sd.) G. H. MONCK MASON,  
*Political Agent.*

#### ENCLOSURE NO. 15.

Free translation of a letter addressed to the Political Agent, Kerowlee, by certain Judoon Chiefs of Subbulgurh, a Province in Scindiah's dominions, dated 15th July 1853, (Asad Soodee 9th Sumbut 1910,) received 22nd July 1853.

WHEN Maharajah Nursing Pal died, we all trusted that the presence of the Political Agent at Kerowlee would be beneficial; that he would consider our interests, and that the rightful heir would obtain his rights. We still remain hoping (*i. e.*, our hopes have not been realised): having heard that the Judoon Chiefs on the Kerowlee side of the River Chumbul were ordered to obey the Political Agent's orders during the interregnum, we, the Judoons of both sides, have been and remain obedient.

When the Governor General's Agent visited Kerowlee, we were pleased and hoped that a Sovereign would be acknowledged, and that we should all be invited to Kerowlee (the throne, however, is still empty); and on that occasion



the Kerowlee Chiefs only were summoned, and again our hope was not realised. We, however, pass our time patiently and contentedly in Scindiah's dominions; but all Judoons are interested in the welfare of the Kerowlee State. Since the British power became paramount, no throne has remained vacant so long; consequently, our friends and relatives in Rajpootana jeer us; therefore, we trust the rightful claimant will succeed.

Maharajah Nursing Pal succeeded to the Kerowlee Principality, to which he was entitled from the Chiefship of Hudotee.

We shall gain honor and you will earn a good name by due investigation in this matter and acknowledgment of the proper heir.

Favor us with a reply.

*(Signed by 14 persons.)*

*(Translated.)*

(Sd.) G. H. MONCK MASON,  
*Political Agent.*

N. B.—(A letter addressed to the Governor General's Agent, Rajpootana, accompanied this with a copy for the Political Agent's information.)

(Sd.) G. H. MONCK MASON,  
*Political Agent.*





## ENCLOSURE NO. 17.

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Oodeypoor.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

1. It has been the rule from ancient times to adopt. A near relation is preferred, but may be set aside on account of unfitness. After the Chief's death, the Chief Ranee, with the advice of those about her, adopts. If the Chief leaves a Will, it is acted upon. The Thakoors and Sirdars adopt with the approval of the Chief. An adopted son, if unfit or disobedient, may be changed. This has always been so.

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

2. Agreements are taken and given; presents are made. The adopted son is seated on the throne; nuzzurs are given by all classes, and all the ceremonies are public, and the worship of the Deity performed. The Thakoors and Sirdars have their several customs.

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

3. The widow of the Chief, with the advice of relations and loyal Sirdars, adopts a son. If there is no widow, then the loyal Sirdars, relations, and men of business select one of the near relations to succeed; or the Chief's mother (if alive), with the advice of the persons mentioned, makes an adoption.

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Oodeypoor.*

4. At what age may a Chief manage the affairs of his State ?

4. As long as he is a child his mother must be consulted ; when he is *intelligent*, he manages all his affairs himself. It does not depend on the number of his years, though the Shaster fixes 16 years.

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others ; and is a person out of the family ever adopted in preference to one in it ?

5. The near relations have the preference, except where there is unfitness. Those out of the family (that is, not connected in any way) have no right whatever.

6. Is it necessary that the person adopted be a child ; and if the person adopted die, can a second adoption be made, and if so, by whom ?

6. There is no limit as to age. A second adoption may be made, first by the Chief, after him by the wisest and most intelligent lady of his Zenana, with the advice of the men of business and the loyal servants.

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference ?

7. There is no difference in the adoption of a child and of a grown-up person.

8. In any case can a Prince adopt before he is of the age of 15 or 16 ?

8. It is not the custom to adopt before the age of 16 ; but if a Prince (before that age) be going on a pilgrimage alone, or have a mortal ma-lady, in that case he may adopt.

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

*Answers from Jeypoor.*

1. Adoptions are made according to the laws of the Dhurm Shaster and ancient custom, that a man's funeral obsequies may be performed and an heir succeed to his Estate. There can be no departure from the rule to adopt from the nearest family.

2. The customs at adoptions are—"Informing the Rajah, calling relations and acquaintances together, distributing cocoanuts and Rupees, and having pleasant music and dances:" the right of adopting rests 1<sup>st</sup>, with the holder of the Estate, 2<sup>ndly</sup>, with his widow, 3<sup>rdly</sup>, with the relations, the clan, and the officials of the Estate.

3. The widow adopts, but if the Chief has died unmarried, then the relations and the clan and the officials adopt.

4. At 16 years of age.

5. The nearest of kin has the right to succeed, but if he is not a fit person, then the widow and the deceased's relations and the officials adopt some other near relation; one who is not of the clan cannot succeed.

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*Questions propounded by Sir H.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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*Answers from Jeypoor.*

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6. Is it necessary that the person adopted be a child; and if the person adopted die, can a second adoption be made, and if so, by whom?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference?

8. In any case can a Prince adopt before he is of the age of 15 or 16?

6. If there is no likelihood of the State being maintained by a boy, then a near relation who is older is adopted. A second adoption can be made by the persons mentioned in the 3rd answer, but if the person adopted dies before he was married, then his mother or father can adopt one of the near relations.

7. The customs mentioned in the 2nd answer are applicable to both old and young.

8. If the Chief under the age of 16 be in extremity of sickness, or for any other urgent necessity should wish to adopt, then he can, with the advice of his relations, &c., take the "nearest of kin" and perform the ceremonies of adoption. Under the age of 16 one should not adopt without sufficient cause.

*Questions propounded by Sir H.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Jodhpoor.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

1. If a Chief die childless, his Rance, with the advice of the Nobles and officials, adopts one of the near relations: this rule has always prevailed; if any other rule has been practised, it must have been with the special permission of the Durbar.

2. According to the way and the mode of the Dhurum Shaster, the sitting on the throne is dependent on the will of the person adopted.

3. The Chief Rance of the deceased Chief, with the advice of the Nobles and officials, adopts. If the Chief die unmarried and no adoption has been made, his mother adopts.

4. At the age of 15 or 18.

5. The nearest relations have the preference, but a selection is made out of them of the wisest and most intelligent: the preference is never given to one out of the family.



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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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6. Is it necessary that the person adopted be a child; and if the person adopted die, can a second adoption be made; and if so, by whom?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference?

8. In any case can a Prince adopt before he is of the age of 15 or 16?

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*Answers from Jodhpoor.*

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6. The person adopted should be of mature age; a second adoption may be made by the Chief Ranee, with the advice of the Nobles and officials.

7. If a minor has been adopted, the Government may be carried on with the advice of the Nobles and officials; if a grown-up person has been adopted, he can manage his own affairs.

8. There is no limit as to age.

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Ulwur.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the

1. The Dhurm Shaster and the custom of the country and tribe are acted upon. The Thakoors and Chiefs adopt with the sanction of the Prince: this has always been the custom.

2. There is the accepting and the receiving the child; then the worship of Gunesh; after that alms and the feasting of one's brotherhood and friends, so that the adoption may be made public. The right of adopting rests first with the master of the house, and after him with his widow; if there is no widow, with his relations and well-wishing officials.

3. The persons who have the power to adopt have been stated above. If the Chief die unmarried, the brotherhood and the well-disposed and just men of business have the power.

4. At the age of 16.

5. The nearest of kin has the first claim, but if he is unfit, one of the other relation is taken, and if there are no relations, one of the tribe who is most intimate. It is not understood

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Ulwar.*

family ever adopted in preference to one in it ?

6. Is it necessary that the person adopted be a child ; and if the person adopted die, can a second adoption be made, and if so, by whom ?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference ?

8. In any case can a Prince adopt before he is of the age of 15 or 16 ?

what is meant by the expression "out of the family."

6. It is not necessary that the person adopted should be a minor. A second adoption is made if the person first adopted dies. The persons specified above have the right of adopting a second time.

7. There is no difference in the ceremonies observed for a child and a grown-up person.

8. Before the age of 16 one has not the power of adopting, except when no hope of life remains, and then it should be with the advice of the brotherhood, the seniors of one's family, and righteous men of business.

*Questions propounded by Sir H.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Kishengurh.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

1. The custom of adopting according to the Dhurm Shaster and ceremonial institutes has always prevailed.

2. The father and mother, and wife and daughter, &c., have the power of adopting. Before the adoption they inform the Government, and after that they assemble the brotherhood, and have rejoicings, dance and song, the distribution of cocoanut, &c.

3. In the case of a Chief not having a family, those of the family mentioned above who may be alive have the power of adopting.

4. From the time that a Chief is acquainted with and clever in the use of weapons, he may manage the affairs of his Chiefship.

5. First the nearest relations are adopted, but if they are unfit, an adoption is made from others.

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*Questions propounded by Sir II.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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6. Is it necessary that the person adopted be a child ; and if the person adopted die, can a second adoption be made, and if so, by whom ?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference ?

8. In any case can a Prince adopt before he is of the age of 15 or 16 ?

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*Answers from Kishengurh.*

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6. There is no restriction as to minors or persons of mature age. A second adoption may be made, and the persons who have the power of adopting have been above specified.

7. The same rule applies both to the adoption of minors and persons of mature age.

8. He has the power to adopt if he wishes it.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpoolana, on the subject of adoption and succession.*

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1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

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*Answers from Dholepoor.*

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1. When there is no son a son is adopted from among the nearest relations, and religious ceremonies are performed; this has been the custom from of old.

2. The ceremonies of piercing the ear, cutting the hair, worship of the Deity, and the customs of invitation of guests and feasting, &c., are practised for the information of all concerned. First, the man, after his death, his wife, if there are no widows, the reigning Prince names the rightful heir, or the relations and officials adopt and inform the Prince.

3. The wife of the deceased, with the advice of the Sirdars and officials, adopts. If the Chief die unmarried, his mother may adopt. If there be a brother or brother's son, he is the heir.

4. When the Chief arrives at years of discretion; until then his mother and the well-wishing officials under her should manage the affairs of the Chiefship.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Dholepoor.*

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others ; and is a person out of the family ever adopted in preference to one in it ?

6. Is it necessary that the person adopted be a child ; and if the person adopted die, can a second adoption be made, and if so, by whom ?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference ?

8. In any case can a Prince adopt before he is of the age of 15 or 16 ?

5. First the nearest relations, then those of the same tribe, are adopted. If there is no one fit in the family, then one out of the family may be taken.

6. It is better to adopt a child, but if necessary, one may adopt a grown-up person. A second adoption is made either by the wife, if there be one, or by his mother ; or, in conformity to the Chief's will, should he have left one, a sister's son and a daughter's son may also succeed.

7. After having selected a child or a grown-up person the usual ceremonies of the house are performed (the same for both).

8. There is no objection, but it is necessary that the reigning Prince should be informed of the reasons for it.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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*Answers from Bhurtpoor.*

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1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

6. Is it necessary that the person adopted be a child; and if the person adopted die, can a second adoption be made, and if so, by whom?

1. Whoever is without a child adopts a son from among his relations; no departure has ever been made from this ancient custom.

2. There are the customs of feasting and festivity: The right of adopting is first with the father and mother, then with the grandfather and grandmother.

3. The wife of the deceased adopts; if the Chief die unmarried, his mother adopts.

4. At the age of 15.

5. The selection is made first from the near relations and members of the family: if there be none, or none be fit, from those of the same stock. The persons above mentioned have the right of adopting; one not connected in any way cannot be adopted.

6. A child or grown-up person may be adopted. If the person first adopted die, any one of the four persons above mentioned has the right of adopting a second time.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference?

8. In any case can a Prince adopt before he is of the age of 15 or 16?

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*Answers from Bhurtpoor.*

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7. The person adopted (whether old or young) has the right to succeed.

8. A Chief under the age of 15 or 16 cannot adopt, except at the point of death, with the advice of his mother and grandmother.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Owalior.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakcoors; and has the custom been invariable?

1. When there is no son, one is adopted: this rule has always been acted upon.

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

2. The requirements of the Shastee and of national family and caste customs are followed. The persons who have a right to adopt are mentioned below.

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

3. The wife of the deceased adopts; if the Chief dies unmarried, his mother and father have the right of adopting.

4. At what age may a Chief manage the affairs of his State?

4. After the age of 15 years, but if he have discretion and knowledge, he may administer the Government under that age.

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

5. In the first place the more near relations are adopted; but if there are none or those there are should not be fit then a person out of the family, but of the same caste, is taken.

6. Is it necessary that the person adopted be a child; and if the

6. Young or old persons, whether a second adoption can be made by the

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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person adopted die, can a second adoption be made, and if so, by whom?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference?

8. In any case can a Prince adopt before he is of the age of 15 or 16?

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*Answers from Gwalior.*

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wife of the first adopted son, deceased; should there be no wife, by the parents; and should there be no parents, by the principal persons (of the State).

7. The customs in the adoption of a grown-up person are the same as those for a child.

8. If the Rajah at any age may have made an adoption in a perfect manner, and in the modes above mentioned, it is lawful.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Serohi.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

1. If there be no son, the nearest of kin succeeds; this custom is invariable.

2. After having taken a written agreement from the person adopted, the ceremonies are performed with rejoicings, that the act may be known to all. The right of adoption rests with the Chief, after him with his widow; if there is no widow, the wisest Chiefs and faithful servants of the State choose one of the near of kin.

3. If there be a widow, she, in council with the great Chiefs of the State and the Crown Advisers, adopts from among the nearest of kin. If there be no widow, the Chiefs and Advisers make the adoption. If the Chief dies unmarried, and no adoption has been made, it is the right of the nearest of kin to succeed.

4. If intelligent, before 15 years of age; but after 15 is the period fixed in the Dhurum Shaster.

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

6. Is it necessary that the person adopted be a child; and if the person adopted die, can a second adoption be made, and if so, by whom?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference?

8. In any case can a Prince adopt before he is of the age of 15 or 16?

*Answers from Serohi.*

5. One of the nearest of kin receives the throne, the choice resting with the widow: when there are near relations, a distant one cannot succeed, much less any one out of the family.

6. The age of the person adopted is of no consequence; it is the right of the near relations to adopt again.

7. Whether the adopted son be young or old, the chief servants of the State give him the Raj Tiluk, seat him on the throne, and give him nuzzurs.

8. It would be valid.

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from

*Answers from Kotah.*

1. The custom is according to the Dhurum Shaster and the rule of each family; there has been never any change.

2. If, in the absence of near relations, a distant connexion is adopted, he must engage to act according to the customs of the house into which he is adopted; this is not required with a near relation. At an adoption there should be rejoicings to make the fact as public as possible: the widow adopts after the Chief's death.

3. If there be a brother or brother's son, he is the heir; otherwise the Ranee, with the consent of a council of the Sirdars, &c., has the power of adopting. If the Chief dies unmarried, then the Ranee of the last Prince, as above, adopts again.

4. After having passed the age of 16 years.

5. Whoever is among the nearest relations may be adopted; no one can be adopted who does not belong to the family.

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

others; and is a person out of the family ever adopted in preference to one in it?

6. Is it necessary that the person adopted be a child; and if the person adopted die, can a second adoption be made, and if so, by whom?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference?

8. In any case can a Prince adopt before he is of the age of 15 or 16?

*Answers from Kotah.*

6. A boy or a man may be adopted: a second adoption can be made, and those who had power to make the first adoption have the same power for the second.

7. It is the same for a man as for a boy.

8. It is not lawful; but if he adopts with the advice of the Ranee Regnant, and with the approval and knowledge of the Sirdars and well-wishers of the State, it is lawful for him to do so.

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

*Answers from Boondee.*

1. A Chief adopts from among the near of kin according to the Dhurum Shaster; what is written in the Shasters is invariable.

2. To make the adoption public, one should perform the ceremonies with all the rejoicings possible. The Chief has the right of adopting; on his death, if there be no near relations, the seniors and others of the family form a Council and adopt a successor.

3. The succession falls to the nearest of kin; if there be no near relation, the Council above mentioned seats some one on the throne.

4. According to the Shaster a Prince is ruler of his State from the death of his father; but while very young, the confidential servants of his father, the heads of the clan, and the Council of the members of the family should administer the Government.

5. The nearest of kin should be seated on the throne; one out of the family cannot succeed.



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*Questions propounded by Sir H.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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*Answers from Boondee.*

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6. Is it necessary that the person adopted be a child; and if the person adopted die, can a second adoption be made, and if so, by whom?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference?

8. In any case can a Prince adopt before he is of the age of 15 or 16?

6. The nearest of kin (whether young or old) should be adopted; if the adopted person die, the next of kin should be adopted.

7. There is no difference in forms, whether the person adopted be a boy or a grown-up person.

8. According to the Shaster it is lawful to adopt at any age.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Jhallawar.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

1. Every Prince, Chief, or Thakoor, who is without issue, adopts a son: this has always been the custom.

2. At adoptions the same customs obtain as at the birth of a son. The right of adopting rests firstly with the Chief, after him with his widow, and after her, with the old men and near relations.

3. The wife of the deceased should adopt a son; but in the case of Chief having died unmarried, the right of adopting rests with his mother, and after her, with his kinsmen and the chief men of the State.

4. At 12 or 13, when he is near years of discretion.

5. The son of the nearest relation is heir: one out of the family can never be preferred to one in it.

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*Questions propounded by Sir H.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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6. Is it necessary that the person adopted be a child ; and if the person adopted die, can a second adoption be made, and if so, by whom ?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference ?

8. In any case can a Prince adopt before he is of the age of 15 or 16 ?

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*Answers from Jhallawar.*

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6. Young or old may be adopted when the person adopted dies ; a second adoption can be made by the near relations and connections.

7. According to the customs and usages of the house, everything should be established and made firm.

8. It is lawful.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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*Answers from Pertabgurh.*

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1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed,

1. He who has no son adopts one to perform his funeral obsequies and to succeed him: there can never be any variation in the rule of the Shaster. The Nobles and Sirdars cannot adopt without the consent of the Prince.

2. At adoptions there is the practice of liberality, burnt offerings, oblations, the distributing of alms, and the same customs of festivity as at the birth of a son; the Nobles and Sirdars make offerings, and an agreement is written. The right of adopting belongs first to the Chief, after him to the Royal Ranees, and, should there be none, to the well-wishers of the State.

3. In this State no Chief has ever been unmarried.

4. After his father's death he has full power.

5. There is nothing fixed as to a near or a distant relation; one can even take a person not connected, but he

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*Questions propounded by Sir II.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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or may a selection be made from others ; and is a person out of the family ever adopted in preference to one in it ?

6. Is it necessary that the person adopted be a child ; and if the person adopted die, can a second adoption be made, and if so, by whom ?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference ?

8. In any case can a Prince adopt before he is of the age of 15 or 16 ?

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*Answers from Pertabgurh.*

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must be of the same caste as the adopter.

6. There is no restriction as to age. If the person adopted dies, then another is adopted, and it is written above who have the power of adopting.

7. In any case the Nobles and others place the adopted son on the throne and arrange according to the custom of the Chiefship.

8. It is not right for a person under age to adopt, because there is hope from God's nature of offspring.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

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*Answers from Doongurpoor.*

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1. From ancient times people have made adoptions to preserve their estates according to their stations; this custom has always prevailed.

2. At adoptions there is the making the mark on the forehead, giving a dress, and making gifts and offerings. The power of adopting is with the near relations; if there are none, then five loyal, respectable men of the place have the power of adopting.

3. If the Chief die without issue, then his wife, brothers, or five respectable men (arbitrators), adopt. If the Chief die unmarried, then the Sirdars assemble and place one of the family on the throne.

4. At the age of 15 or 16 if the young Chief be intelligent, otherwise at the age of 19 or 20.

5. The nearest relation should be adopted; if there be no one actually of the family, then any one of the same stock may be adopted. When there are any of the family, a stranger is not adopted.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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6. Is it necessary that the person adopted be a child; and if the person adopted die, can a second adoption be made, and if so, by whom?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference?

8. In any case can a Prince adopt before he is of the age of 15 or 16?

*Answers from Doongurpoor.*

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6. There is nothing fixed as to whether the person adopted be young or old. If the person adopted die, then either the wife or five respectable men adopt another.

7. The customs mentioned above are applicable to the adoption of a boy or a man.

8. A Prince at the age of 15 or 16 can under no circumstances adopt.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Banswarra.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from

1. It has always been the rule to make adoptions.

2. Adoptions are made with the advice of the Nobles and officials. According to one's station, he performs worship at the temple and makes great rejoicings with music, &c.: after sitting on the throne offerings and scatterings of money are made. The right of adopting rests with the Chief.

3. If there be no Chief and no son, the widow selects a boy of her deceased husband's family. If the Chief die unmarried, the members of the family assemble and adopt a boy of the family.

4. If a Chief is shrewd as a child, he has authority in the affairs of the State, otherwise at the age of 14 or 15.

5. One is selected from the near relations: in some Chiefships sometimes they adopt persons out of the family.



*Questions propounded by Sir H.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

others ; and is a person out of the family ever adopted in preference to one in it ?

6. Is it necessary that the person adopted be a child ; and if the person adopted die, can a second adoption be made, and if so, by whom ?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference ?

8. In any case can a Prince adopt before he is of the age of 15 or 16 ?

*Answers from Banswarra.*

6. There is no necessity for his being young or old : a Chief can adopt a second time with the advice of relations.

7. It is all the same in every case.

8. If the Chief is infirm in body, he can adopt a boy with the advice of the Nobles and respectable men.

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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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*Answers from Jeysulmere.*

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1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

1. The custom of adoption prevails in this State, but the Thakoors and Sirdars, when they adopt, must consult the Government in the matter. The custom is invariable, but if a son is born, he becomes Chief, and the adopted son is provided for.

2. The mark is made on the forehead of the boy who is adopted: there are festivities, and nuzzurs are made to the adopted son. The right of adopting rests with the Chief himself.

3. The Ranee of the deceased Chief, with the advice of the well-wishers of the State, adopts a fit person. If a Chief die unmarried, his younger brother succeeds him; if he has none, his mother adopts.

4. At the age of 16 or 18.

5. The nearest relation who is eligible is adopted; it is not the custom to adopt one out of the family.

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*Questions propounded by Sir H.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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6. Is it necessary that the person adopted be a child; and if the person adopted die, can a second adoption be made, and if so, by whom?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference?

8. In any case can a Prince adopt before he is of the age of 15 or 16?

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*Answers from Jeysulmere.*

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6. A man or a boy may be adopted; a second adoption may be made. If the person adopted dies in the lifetime of the Chief, the Chief adopts again; otherwise the Rancee, or his mother, adopts.

7. The customs in the adoption of a man or a boy are the same.

8. It is not good for a State that a Chief adopt before the age of 16, but if he do, he should do so with the advice of the well-wishers, &c., of the State.

*Questions propounded by Sir H.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers from Bickaneer.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

1. A Chief consults with the Ministers, &c., and adopts one of his family who is capable of maintaining the State. If the adoption is made after his death, it is made by his Rancee with the advice of the Ministers, &c. Amongst the Nobles, Thakoors, &c., the custom is similar, but they must obtain the approval of the Durbar and give nuzzeranas, and the Turban of the adopted son is put on by the Durbar and a Title Deed of his Estate is given to him. If the near relation is unfit, he is not taken: this is the only exception to the rule.

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

2. The ceremonies of adoption are performed in an auspicious hour, and the Chief causes nuzzeranas to be made to the heir apparent; but if the adoption is made after the Chief's death, it is made by the Rancee. They give the adopted son the *Ishtia* of Boyalty and seat him on the throne; then the Nobles, &c., present nuzzerans, and there are festivities, the smearing of *gung*, and the giving the oath of allegiance.

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom ?

4. At what age may a Chief manage the affairs of his State ?

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others ; and is a person out of the family ever adopted in preference to one in it ?

6. Is it necessary that the person adopted be a child ; and if the person adopted die, can a second adoption be made, and if so, by whom ?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference ?

*Answers from Bickaneer.*

3. The customs of adoption have been written above. If the Chief dies unmarried, his mother, with the advice of the Ministers, &c., adopts.

4. According to the Dhurum Shaster he has authority after the age of 16 ; but from the time he ascends the throne he is informed of everything that is done, so that his knowledge and intelligence may increase.

5. The nearest relation who is eligible is adopted ; one out of the family can never have the preference.

6. Young or old may be adopted ; a second adoption is made either by the wife of the adopted person deceased, or, if he died unmarried, by his mother.

7. Young and old are adopted : the customs and ceremonies are written above.

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*Questions propounded by Sir H.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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8. In any case can a Prince adopt before he is of the age of 15 or 16?

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*Answers from Bickaneer.*

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8. If the Prince, by reason of some bodily defect, cannot have a son, or should be extremely ill, he may adopt with the advice of his Nobles, Ministers, &c.; he should not act on his own judgment.

*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers by a learned Native.*

1. What is the custom regarding succession and adoption in your sovereignty, and also among your Thakoors; and has the custom been invariable?

2. What customs and ceremonies are necessary to complete an adoption, and who have the right of adopting?

3. If a Prince or Chief die without having made an adoption, or without having married, what is the custom?

4. At what age may a Chief manage the affairs of his State?

1. There are many books of Shasters; some are more respected and followed in some countries, and some in others. The general principles laid down in the Shasters are invariable, but by custom some of the minor conditions are unfulfilled; for instance, it is not right to adopt an only son, though it is occasionally done.

2. The giving of a son in adoption is ratified by a vow. To make the matter public, the adopted son is seated on a throne, the Turban is tied on his head, cocoanut is distributed to the people assembled, and other similar ceremonies are performed. First, the man without issue himself has the right of adopting; if he dies without having adopted, his widow adopts; and if he has left no widow, his relations adopt.

3. The widow adopts; if there is none, the relations adopt.

4. According to the Dhurum Shaster in force at Benares, majority is attained at the completion of 16 years;

*Questions propounded by Sir H.*

*M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

*Answers by a learned Native.*

5. Should no adoption have been made and the Prince die, must the nearest of kin necessarily succeed, or may a selection be made from others; and is a person out of the family ever adopted in preference to one in it?

6. Is it necessary that the person adopted be a child; and if the person adopted die, can a second adoption be made, and if so, by whom?

7. If either a child or an adult can be adopted, are the ceremonies the same in either case, or what is the difference?

in Bengal it is at the completion of 15 years: in Hindostan 15 or 16 is considered the age at which a Chief has a right to manage his own affairs.

5. The nearest relation is considered to have the best right to be adopted. The Shaster gives entire option to the adopter, and, except a brother's son, whom it says it is *proper* to adopt, none other of the relations are specified as having a claim to be adopted; and even this claim of the brother's son is often set aside, as has happened at Kishengurh, Jodhpoor, Oodeypoor, Kerowlee, &c.

6. There is nothing fixed by the Shaster respecting the age of an adopted person, but custom sanctions the adoption of an adult, and even of one who is a father of a family; a second adoption may be made by them who have the right to make the first adoption.

7. Answered above (that is, the ceremonies are the same for both).



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*Questions propounded by Sir H. M. Lawrence, K. C. B., Governor General's Agent in Rajpootana, on the subject of adoption and succession.*

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8. In any case can a Prince adopt before he is of the age of 15 or 16 ?

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*Answers by a learned Native.*

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8. The Shaster shows that the act even of a madman, if it tends to his advantage, may be considered valid ; therefore, the adoption by a minor would be valid if it had that tendency. Custom, however, is that, in the transactions of a minor, his relations should be consulted.

## ENCLOSURE NO. 18.

From LIEUTENANT G. H. MONCK MASON, Political Agent, Kerowlee, to LIEUTENANT-COLONEL SIR H. M. LAWRENCE, K. C. B., Governor General's Agent for the States of Rajpootana,—(No. 128, dated the 11th May 1853.)

HAVING replied to your Circular letters, Nos. 430, 437, and 463, I have the honor to acknowledge the receipt of your Despatch of the 27th ultimo, No. 464, which accompanied them.

I solemnly declare that I believe that no personal friendship for Rao Muddun Pal exists among the Chiefs of Kerowlee, and that the twenty-four Kerowlee Chiefs and six land proprietors who signed the memorial in favor of Muddun Pal, which I forwarded, in original, for submission to Government, were not actuated by personal friendly feeling, nor by the consideration that he was the rightful heir: seven relatives of Muddun Pal, who signed that document, probably were actuated by friendship. The memorial bears 70 signatures; respecting 37 I have given my opinion; 33 remain, which, in my judgment, have no weight; indeed, to that number I would add the signatures of Muddun Pal's relatives. I respectfully beg leave to refer to the 8th paragraph of my Despatch in the Secret Department, of this date, to your address, No. 127, and to my letters, No. 132, of the 23rd September, and No. 146, of the 12th October last, which respectively transmitted Rao Muddun Pal's own statement and the memorial alluded to.

There are 38 feudal Chiefs tributary to Kerowlee, the aggregate annual value of whose estates is about Rupees 80,000. I presume that only those 33 are entitled to

vote in important State matters. I have the honor to submit a detailed list of those Chiefs: enclosure No. 1, the 2nd column, gives the names of the Chiefs; the 3rd column the names of the estates; the value of each estate is noted in the 4th; and in the 5th appears the probable number of the members of the brotherhood of each Chief.

Enclosure 9, No. 10, Thakoor Luchmun Chund, is Chief of Umurgurh, which is supposed to yield Rupees 12,000 annually, and furnishes about 150 fighting men of the Chief's own family; enclosure No. 2 is a detailed list of Chiefs and other persons who signed the memorial; enclosure No. 3 is a synopsis of that list; enclosure No. 4 is a list of the most influential Chiefs.

Thakoors Luchmun Chund and Sham Pal can generally command the majority of the poorer Chiefs' votes for good or evil.

Copies of my transmitting letters, noted in the 2nd paragraph of this letter, being necessary to render these Reports complete, I have the honor to append copies, enclosures Nos. 5 and 6.

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*Detailed list of Chiefs tributary to the Kerowlee Government, referred to in the 3rd paragraph of the letter above noted.*

No.	NAME.	ESTATE.	Value of Estate annually.	Supposed No. of relatives of Chiefs capable of bearing Arms.
			Rs.	
1	Muddun Pal (Rao)	Hudotee	10,000	.....
...	...	Gurerce	500	4
2	* Govind Pal	Purdampoor	800	30
3	Mulloop Pal	Roopaora	400	30
4	Rugnath Pal	Khoobpoora	400	20
5	* Mohun Pal	Neetra	400	5
6	* Sham Pal	Raothera	10,000	10
7	* Hurdeo Pal	Chaoragaon	2,000	11
8	* Nadun Pal	Kaodeh	1,200	23
9	* Beharee Pal	Inayutta	4,000	12
10	* Luchmun Chund	Umurgurh	12,000	150
11	* Eesuree Singh	Majola	3,000	60
12	* Raghoonath Singh	Burthoon	4,000	50
13	* Kasee Ram	Futtehpoor	1,400	150
14	* Bulwunt Singh	Semurda	1,500	60
15	* Bhooput Singh	Sinur	900	40
16	Ram Singh	Kho	1,200	40
17	* Het Singh	Naroly or Baroly	1,500	35
18	Govind Singh	Balnee	500	5
19	* Korun Singh	Kiddurpoor	500	25
20	* Gopal Singh	Hurnuggur	1,500	150
21	* Mulkhan Singh	Kotal	1,500	100
22	Chattal Singh	Kespoora	1,000	60
23	Doongur Singh	Khanpoora	1,500	75
24	* Salamut Singh	Chynpoora	2,000	15
25	* Bulwunt Singh	Tetwaie	500	100
26	* Munohur	Machee	1,500	150
27	Sumput Singh	Bhysath	500	25
		Carried over	66,200	1,435

No.	NAME.	ESTATE.	Value of Estate annually.	Supposed No. of relatives of Chiefs capable of bearing Arms.
			<i>Rs.</i>	
		Brought forward ...	60,200	1,435
28	* Gunga Singh ... ..	Futtehpoor ... ..	1,650	60
29	* Shere Singh ... ..	Rampoora ... ..	1,300	150
30	Chutterbaj ... ..	Mengree ... ..	1,000	.....
31	Ruttun Singh ... ..	Tuktpoora ... ..	2,000	90
32	* Hunmut Singh ... ..	Machanee ... ..	1,000	50
33	* Jeswunt Singh ... ..	Maokhera ... ..	1,200	4
34	Koonden Singh ... ..	Nyneetca ... ..	500	80
35	* Oomrao Singh ... ..	Bajney ... ..	1,000	40
36	* Kesree Singh ... ..	Maholico ... ..	4,000	200
37	* Joraur Singh ... ..	Kela ... ..	400	4
38	... ..	Birwas ... ..	400	30
	Total, 38 Chiefs ...	Total ...	80,650	2,143

The Chiefs before whose names an asterisk appears signed the memorial in favor of Muddun Pal.

KEROWLEE AGENCY, }  
The 11th May 1853.

(Sd.) G. H. MONCK MASON,  
Poltl. Agent, Kerowlee.

*Detailed List of Chiefs and other persons who signed the memorial in favor of the claims of Rao Muddun Pal, referred to in the 3rd paragraph of the letter above noted.*

Number according to Memorial.	SIGNATURE.	Estate, Family, or Home.	Territory or District.	Annual value of Estate in Rupees.	Position in family.	REMARKS.
1	Net Singh ...	Puttelipoor ...	Jeypoor and Kerowlee.	Kerowlee put in 1857.	Son of Chief.	{ Chiefship tributary to both Jeypoor and Kerowlee. The Chief is imprisoned at Jeypoor for crime (murder). Gunga Singh, his son, is the responsible head of the family at present. A portion of the Estate has been attached.
2	Gunga Singh ...	Ditto ...	Ditto ...	Ditto ...	Ditto ...	{
3	Lachmun Chund ...	Umurgurh ...	Kerowlee ...	12,000	Chief ...	{ Umurgurh Chiefship tributary to Kerowlee; Roognathpoor Chiefship tributary to Gwalior. This Chief's signature was originally at the head of the list.
4	Sham Pal ...	Raothera ...	Kerowlee ...	10,000	Ditto ...	Tributary to Kerowlee.
5	Govind Pal ...	Purdampoor ...	Ditto ...	800	Ditto ...	Ditto ditto. A near relative to Muddun Pal.
6	Beharoo Pal ...	Inayutta ...	Ditto ...	4,000	Ditto ...	Tributary to Kerowlee.
7	Hurdeo Pal ...	Seswara or Chaorgaon.	Ditto ...	2,000	Ditto ...	Ditto ditto.
8	Mutoop Pal ...	Khoobipoora ...	Ditto ...	...	...	This man is not known; supposed to be a relative of Muddun Pal.
9	Jeswant Singh ...	Machatonoo ...	Subbulgarh, Gwalior.	...	...	{ (Referring also to No. 3, &c.) Subbulgarh was formerly a Province of Kerowlee, but was taken by Scindian. No information can be given respecting Chiefs or others of that or other foreign districts, whose signatures appear in this list.
10	Chundun Singh ...	Panchon ...	Ditto ...	...	...	{
11	Raghoonath Singh ...	Bhurtoon ...	Kerowlee ...	4,000	Chief ...	Tributary to Kerowlee.
12	Nadan Singh ...	Khandab ...	Ditto ...	1,200	Ditto ...	Ditto ditto.

*Detailed List of Chiefs and other persons who signed the memorial in favor of the claims of Rao Muddun Pal, referred to in the 3rd paragraph of the letter above noted.—(Continued.)*

Number according to Memorial.	SIGNATURE.	Estate, Family, or Home.	Territory or District.	Annual value of Estate in Rupees.	Position in family.	REMARKS.
13	Budreo Pal ...	Baroda, of Raothera.	Kerowlee ...	...	Lineal heir of Shan Pal, Chief of Raothera.	Baroda is included in Raothera, and is held by Budreo Pal under the Chief.
14	Ramnath Singh ...	Burpoorah ...	Subbulgurh, Gwalior.	...	...	See Nos. 9, 10.
15	Oomrao Singh ...	Bajney ...	Kerowlee ...	1,000	Chief ...	Tributary to Kerowlee.
16	Eesureo Singh ...	Malola ...	Ditto ...	3,000	Ditto ...	Ditto ditto.
17	Korun Singh ...	Kidduurpoor ...	Ditto ...	500	Ditto ...	Ditto ditto.
18	Bhowance Singh ...	Beroudah ...	Ditto ...	1,200	Heads of family.	} Private hereditary Estate, paying no tribute.
19	Girdhur Singh ...	...	...	...	...	
20	Sumuder Singh ...	Miturnamah ...	Subbulgurh, Gwalior.	...	...	
21	Raghoonath Singh ...	Harkhan ...	Ditto ...	...	...	See Nos. 9, 10.
22	Pertab Singh ...	Dhoorwas ...	Kerowlee ...	1,350	Head of family.	Ditto.
23	Mohun Pal ...	Neebra ...	Ditto ...	400	Chief ...	Private hereditary Estate, paying no tribute.
24	Bulvunt Singh ...	Semurda ...	Ditto ...	1,500	Ditto ...	Tributary to Kerowlee; near relative to Muddun Pal.
25	Nowul Singh ...	Selpoorah ...	Subbulgurh, Gwalior.	...	...	Tributary to Kerowlee.
26	Kurnal Singh...	Ditto ...	Ditto ...	...	...	See Nos. 9, 10.
						Ditto.

27	Joogul Pal	...	...	...	Kerowlee	...	400	Relative of the Chief.	Tributary to Kerowlee. This person is a near relative of Muddun Pal.
28	Govind Singh...	...	...	...	Unknown	...	...	Chief ...	Tributary to Kerowlee.
29	Kaseo Ram	...	...	...	Kerowlee	...	1,400	Ditto	Ditto ditto.
30	Salamut Singh	...	...	...	Ditto	...	2,000	...	...
31	Ram Singh	...	...	...	Unknown	...	...	Chief ...	Tributary to Kerowlee.
32	Sheo Singh	...	...	...	Kerowlee	...	1,312	Ditto	Ditto ditto.
33	Bhooput Singh	...	...	...	Ditto	...	900	Ditto	Ditto ditto.
34	Munohur Singh	...	...	...	Ditto	...	1,500	...	...
35	Hurjun Singh	...	...	...	Ditto	...	See No. 24	Relative of the Chief.	...
36	Hur Chund Singh	...	...	...	...	...	...	...	...
37	Bukhtawur Singh	...	...	...	Ditto	...	...	...	...
38	Het Singh	...	...	...	Baroly or Naroly	...	2,000	Chief relative of Chief.	{ Tributary to Kerowlee.
39	Nenodh Singh	...	...	...	Kerowlee	...	...	Chief ...	
40	Eseurce Singh (2nd)	...	...	...	Ditto	...	4,000	Ditto	
41	Gopal Singh	...	...	...	Ditto	...	1,500	Ditto	
42	Bulwunt Singh	...	...	...	Hurnaggur	...	500	Ditto	Ditto ditto.
43	Buldeo Singh	...	...	...	Tetwaie	...	14,000	Head of family.	Private hereditary Estate. This nobleman is the son of Indur Singh, son of Jorawur Singh, natural son of Maharajah Gopal Singh,
44	Buldeo Singh (2nd)	...	...	...	Deogurh	...	...	...	
45	Phylad Singh	...	...	...	...	...	...	...	This man is a descendant of the Chief who once held Maut.
46	Sher Singh	...	...	...	Suledce, of Bajney	...	See No. 15	Relatives of the Chief.	
47	Chundun Singh	...	...	...	Maut	...	Government village.	...	This man is a Government servant.
48	Girdhar Singh	...	...	...	...	...	...	...	Tributary to Kerowlee.
49	Mulkan Singh	...	...	...	Kotey	...	1,500	Chief ...	



*Detailed List of Chiefs and other persons who signed the memorial in favor of the claims of Rao Muddun Pal, referred to in the 3rd paragraph of the letter above noted.—(Continued.)*

Number to Memorial.	SIGNATURE.	Estate, Family, or Home.	Territory or District.	Annual value of Estate in Rupees.	Position in family.	REMARKS.
50	Jesvunt Singh	Maokhera	Kerowlee	1,200	Chief ...	Tributary to Kerowlee.
51	Sirdar Singh	Neembel	Ditto	500	Distant relative of the Chief.	Ditto ditto.
52	Hunmut Singh	Machanee	Ditto	1,000	Chief ...	Ditto ditto.
53	Himmut Singh	Kela	Ditto	800	Unknown	Ditto ditto.
54	Mehtab Singh	...	...	...	...	Government servant.
55	Zalim Singh	Muteria...	Hindoun, Jeypoor.	...	...	See Nos. 9, 10.
56	Punchum Singh	...	...	...	...	Supposed to be of Bhowaree, in Hindoun, Jeypoor.
57	Kesree Singh	Gurhee	Kerowlee	...	...	Gurhee is a Government village.
58	Lutchmun Singh	Chuggr	Jeypoor	...	...	A servant of this Government.
59	Gujraj Singh	Choutara	Kerowlee	...	...	Ditto ditto.
60	Oodey Singh	Dabra	Ditto	...	...	Dabra, a Government village.
61	Bishen Singh	Gopalpoor	Ditto	1,300	Head of the family.	Private hereditary Estate, not paying tribute.
62	Golab Singh	Several villages	Ditto	5,500	Ditto	Private hereditary Estate. Golab Singh is the natural son of Umur Pal, son of Jowahir Pal, 2nd son of Maharajah Toorsun Pal.
63	Indur Singh	...	...	...	...	Government servant.

64	Gopal Singh ...	...	...	...	...	...	...	...	...	Ditto	ditto.
65	Buldeo Singh (3rd) ...	...	...	...	...	...	...	...	...	File Nos. 9, 10. This man was lately Rao of Surmutra, &c., Dholepoor.	
66	Kupoor Singh...	...	...	...	...	...	...	...	...	Government servant.	
67	Kishun Pal ...	...	...	...	...	...	...	...	...	One of Mudhun Pal's brothers.	
68	Oomroo Singh ...	...	...	...	...	...	...	...	...	Formerly Chief of Oolqurh, which place was attached.	
69	Sham Pal ...	...	...	...	...	...	...	...	...	Perhaps a relative of the Chief.	
70	Soondur Pal ...	...	...	...	...	...	...	...	...	Mudhun Pal's father.	

KEROWLEE AGENCY,  
The 11th May 1853.

(Sd.)

G. H. MONCK MASON,  
Polit. Agent, Kerowlee.

*Synopsis of the Detailed List of Chiefs and other persons who signed the memorial in favor of the claims of Rao Muddun Pal.*

Tributary Chiefs (heads of families) ... ..	21
Relatives of Chiefs who signed ... ..	8
Near relatives of Rao Muddun Pal ... ..	7
Servants of the Kerowlee Government ... ..	9
Foreigners (Gwalior, Jeypoor, Dholepoor) ... ..	9
Heads of families (private hereditary Estates, not tributary) ...	6
Descendants of Chiefs, whose Estates have been confiscated for crime, &c. ... ..	2
Unknown ... ..	5
<hr/>	
Grand total of signatures ...	70
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KEROWLEE AGENCY,  
The 11th May 1853.

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(Sd.) G. H. MONCK MASON,  
Polit. Agent, Kerowlee.

*List of the most influential tributary Chiefs in Kerowlee, showing the respective and aggregate annual value of their Estates.*

No.	NAME.	Name of Estates.	Amount value in Rupees.
1	Luchmun Chund ... ..	Umurgurh ... ..	12,000
2	Sham Pal ... ..	Raothera ... ..	10,000
3	Beharee Pal ... ..	Inayutta ... ..	3,000
4	Raghoonath Singh... ..	Burthoon ... ..	3,000
5	Salamut Singh ... ..	Chynpoor ... ..	2,000
6	Gunga Singh ... ..	Futtehpoor ... ..	1,650
7	The family of ... ..	Hurnuggur ... ..	1,500
8	Ditto ... ..	Machee ... ..	1,500
9	Ditto ... ..	Tetwaie ... ..	500
9		Aggregate annual value	35,150

KEROWLEE AGENCY,  
The 11th May 1853.

}

(Sd.) G. H. MONCK MASON,  
Politl. Agent, Kerowlee.

**ENCLOSURE NO. 19.**

Extract, Agra Political Narrative (North-Western Provinces), dated 31st December 1853.

IN the Lieutenant-Governor's opinion, those who are Sovereign Princes in their own right, and of the Hindoo religion, have, by Hindoo Law, a right to adopt to the exclusion of collateral heirs, or of the supposed reversionary right of the paramount power; the latter, in fact, in such cases having no real existence, except in the case of absolute want of heirs; and even then the right was only assumed in virtue of power, for it would probably be more consistent with right were the people of the State so situated left to elect a Sovereign for themselves.

In the case, therefore, of Hindoo Sovereign Princes, the Lieutenant-Governor considered that, in failure of heirs male of the body, a right to adopt to the exclusion of the collateral heirs existed, and that the British Government was bound to acknowledge such an adoption, provided that it be regular, and not in violation of Hindoo Law.

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**ENCLOSURE NO. 20.**

Paragraph 2 of letter, No. 112, of 23rd June 1846, from COLONEL SUTHERLAND, to Government.

REFERRING to the 3rd paragraph of your letter, I do not see the least reason why a second adoption should not be had recourse to if the first child should die either before or after attaining his maturity; and I do not understand by what process a Rajpoot Principality, with which we are only connected by Treaty, can ever escheat to the British Govern-

ment; for there must, in all Rajpoot Principalities, be numerous collateral heirs; and even if we had the right of succession, I should consider it very undesirable that we should burthen ourselves with such a State as Doongur-poor if it could be otherwise disposed of, for, under our system of administration, it could never, in all probability, be made to pay its own expense.

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Copy of a Minute by the Most Noble the Governor General,—(dated the 12th December 1853.)

SIR H. LAWRENCE has reported very fully on the question referred to him some time ago relative to the rule and practice observed in the adoption of heirs to their sovereignties by the Princes of Rajpootana.

Sir H. Lawrence has investigated this question with great care and labor, and has furnished the Government with an able, lucid, and authoritative exposition of the law and custom relating to adoption, as they have been observed time out of mind by the sovereign Princes of Rajpootana.

Sir H. Lawrence does not wish that his remarks and recommendations should be understood as applying to adoption in any other part of India but Rajpootana.

valid one; and it had become apparent that the reigning family, the Chiefs, and the people of Kerowlee, objected to the professed adoption of Bhurt Pal, and desired to have, as Maharajah, Muddun Pal, as being a successor of maturer years and a nearer relative than Bhurt Pal.

Upon this further enquiry was directed, and the Report before me is the result.

Sir H. Lawrence, applying in the 32nd paragraph of his Report the principles he has expounded regarding adoption in Rajpootana, gives it as his decided opinion that Muddun Pal, as nearest of kin, as accepted by the Ranees, by the nine most influential Thakoors, by three-fourths of the lesser feudal Chiefs, and "as far as can be judged by the almost general feeling of the country," should be recognized by the British Government as the Maharajah of Kerowlee in the absence of any valid adoption by the late Maharajah Nursing Pal.

Although the Hon'ble Court in their Despatch sanctioned the recognition, as Maharajah, of Bhurt Pal, by name, I apprehend that the Government of India will be acting in conformity with the wishes of the Hon'ble Court, though it should now proceed to recognize Muddun Pal. The question referred to the Hon'ble Court was not a personal one between the two kinsmen, but one regarding the recognition of any adoption. The Hon'ble Court having determined that adoption shall be permitted, the Governor General in Council will be fulfilling the intentions of the Hon'ble Court if he now permit the adoption and succession of Muddun Pal, who has been found to be the proper

successor since the name of Bhurt Pal was first brought forward.

The continuance of the present unsettled state of the succession is objectionable; and as Sir H. Lawrence has now supplied the Government with the means of forming a decision, I would at once instruct Sir H. Lawrence to recognize and to instal Muddun Pal at Kerowlee.

It still remains to determine what arrangement shall be made for the Government of the Raj.

The Administration was placed in the hands of the British Government in the time of the late Nursing Pal, who was a minor. Muddun Pal being of years fit to govern, and apparently likely to secure the submission of the people, I certainly think the Government should be made over to him: a Political Agent is recommended to be retained at Kerowlee.

I think that proper guarantee for the repayment of the debt of Rupees 94,000 due by Kerowlee ought to be obtained before the Administration is made over to Muddun Pal; but I hesitate as to the expediency of maintaining a Political Agent there now, if (as I apprehend will be the case) the office will fall as an additional expense on the British Government when the Administration is no longer in his hands.

(Sd.) DALHOUSIE.

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Copy of a Minute by the HON'BLE J. DORIN,—(dated the 9th January 1854.)

I AM quite prepared to carry out the views expressed by the Most Noble the Governor General as to the Kerowlee adoption in the Minute under consideration.

(Sd.) J. DORIN.

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Copy of a Minute by the HON'BLE COLONEL J. LOW, C. B., concurred in by the HON'BLE F. J. HALLIDAY,—(dated the 11th January 1854.)

WHEN I remember the state of things which existed at Kerowlee and its vicinity at the time the late Rajah died, and for many weeks after that event, I have great reason to believe, that, if the adoption of Bhurt Pal had at once been sanctioned, the measure would have been a popular one, both in Kerowlee and in the neighbouring States; that general tranquillity would have prevailed; and that the affairs of the Principality, and especially so as regards the Khalsa Lands, would have continued to prosper under the able management of Lieutenant Monek Mason.

But the case is widely different now from what it was in 1852; proofs have been obtained by the enquiries of Sir Henry Lawrence, and I think satisfactory proofs, that (even allowing for the difficulty to the family of the late Rajah, caused by our orders then issued that the Chiefs should not come to the Capital,) certain forms, and also the sanction of certain individuals, which are, strictly speaking, required for a legitimate adoption, were omitted by the late Rajah and his advisers; which omissions caused the adoption of Bhurt Pal to be invalid according to the

rules by which such matters are generally judged in Rajpoot families.

And what, in my opinion, is of greater importance, as connected with the course which ought to be pursued by the paramount State at present, is this fact, *viz.*, that Muddun Pal, who, although a distant relative, is still somewhat nearer of kin to the late Rajah than the other competitor, has now obtained the votes in his favor of such a very large proportion of the Chiefs and other men of high rank in the whole Principality, that there would certainly be great discontent among that influential class if Bhurt Pal were now to be elevated to the position of Rajah; not only would all those Chiefs, and some of the principal Ranees also, feel hurt at their declared opinions being so disregarded after we had apparently consulted them in the matter, but, in this case, those feelings of dissatisfaction would be much aggravated in the minds of the Chiefs from their knowing that, in the event of such a young boy as Bhurt Pal being selected, their country would, for many years to come, be under the direct and sole management of an Officer of a foreign Government; and the last-mentioned prejudice which I attribute to the Chiefs of Kerowlee does not differ from the feelings which would exist, under similar circumstances, among the nobility and other men of local influence in any country of the known world.

Moreover, Muddun Pal being a remarkably good-looking man, with pleasing manners, I have no doubt that there is now a sort of personal partiality for him on the part of the Chiefs as the Rajah of their own selection,

which would add to their feeling of disgust if that selection should be disregarded by the British Government.

When a Rajpoot Sovereign dies without leaving a son, and without there being any dispute in the family and among the principal Chiefs respecting the proper person to succeed (whether from relationship or adoption), I consider the choice of a successor to be so entirely an interior affair of the Native State, that we ought not to take any active part in the matter. According to the spirit of our Treaties, and according to the intentions of both the contracting parties when those Treaties were formed, it certainly is not our business to name successors to Rajpoot Principalities, except in cases where there are two or more competitors, which is precisely the case now at Kerowlee, and thus it becomes both our right and our duty to pass a decision in favor of one or other of those competitors.

I entirely concur with Sir Henry Lawrence's opinion, as expressed in the following extract from the 27th paragraph of his Despatch now before me, dated the 17th of November last, *viz.*—"The confirmation of the Suzerain is necessary in all cases; he is the arbitrator in all contested adoptions. He can set aside one or other for informality, irregularity, or for misconduct; but it does not appear by the rules or practices of any of the sovereignties, or by our own practice with the Istumrardars of Ajmere, that the paramount State can refuse confirmation to one or other claimant, and confiscate the Estate, however small."

Under all the circumstances above described or adverted to, I consider that Muddun Pal, as proposed by the

Governor General, should without further delay be installed as Rajah of Kerowlee from being (as described by Sir Henry Lawrence) the adopted son of "the senior widow of Maharajah Pertab Pal." I would be satisfied, however, with whatever security Muddun Pal may offer for the payment of the debt, *as far as his security need be taken into consideration*; but I would openly inform him, through the Governor General's Agent, that any breach of his promise for the regular payment of the required annual instalment, would render him liable to have one or more of his districts taken possession of for a time by the British Government, and managed exclusively by a British Officer, till the whole of the debt shall be liquidated.

But I would not at present remove the British Agent from the Kerowlee Durbar; my knowledge of the Kerowlee people and the reasons stated by Sir Henry Lawrence in the 27th paragraph of his Despatch of the 17th of November combine to convince me of the necessity of retaining the Political Agent for at least two years after the elevation of Muddun Pal; and I would advocate that measure, even if the whole cost of the Agency should be charged to the British Government, because many of our own general purposes will be promoted by such a measure, while positive and extensive good will be effected to a large portion of the inhabitants of the Kerowlee Territories. I observe that the Most Noble the Governor General at present has some doubts as to the expediency of retaining the Political Agent if he is to be paid from the British Treasury, but I trust that those doubts will soon be removed from His Lordship's mind, and, at all events, I feel fully convinced that His Lordship will readily confirm the act if the

Hon'ble President of the Council will at once order the whole plan to be carried into effect, including the retention of the British Agency at Kerowlee, the latter part of the plan being considered as a temporary measure, and the exact duration of the Agency being thus left for the future consideration and decision of Government.

(Sd.) J. Low.

„ F. J. HALLIDAY.

Copy of a Despatch from the Hon'ble Court of Directors,—(No. 30, dated London, the 5th July 1854.)

THE communications noted in the margin relate to Kerowlee affairs.

Foreign letter, dated 4th February  
(No. 10) 1854, paragraphs 139 to 142.

Foreign letter, dated 4th February  
(No. 12) 1854, entire.

Before replying to these communications, we have again perused your Despatch of the 7th of September 1852 and the papers which accompanied it. It seems to us that at that time both your Local Officers and yourselves entertained and expressed the opinion that the circumstances attendant upon the adoption of Bhurt Pal by Nursing Pal, as fully reported by Lieutenant Monck Mason, were of a character to make that ceremony valid and effectual for all purposes, provided that the British Government consented to the political recognition of it.

This was the view which we took in 1853, and acting upon that view, we, by our letter of the 26th of January, not only directed that the State of Kerowlee should con-

tinue under a Native ruler, but sanctioned specifically the succession of Bhurt Pal.

Lieutenant Mason is still favorable to the pretensions of that boy, but all the other opinions contained in the papers accompanying your letter of the 4th of February 1854 are in favor of the claims of Muddun Pal, a Chief of mature years.

Sir Henry Lawrence, the present Agent of your Government in Rajpootana, offered his "recommendation that, as nearest of kin to Nursing Pal, and as accepted by the Ranees of Kerowlee and by all the nine most influential Thakoors who, under a strictly Native *régime*, would probably be the electors; also by more than three-fourths of the 38 feudal Chiefs who, in Lieutenant Mason's opinion, are alone entitled to vote in important State matters; and as far as can be judged by the almost general feeling of the country; he (Muddun Pal) be nominated by the Governor General in Council to the Raj of Kerowlee, and that Maharanee Warsookejee, the senior widow of Maharajah Pertab Pal, be permitted, according to the existing customs of the country, to adopt him as her son in succession to Nursing Pal."

Colonel Low now admits that "satisfactory proofs have been obtained that certain forms, and also the sanction of certain individuals, which are, strictly speaking, required for a legitimate adoption, were omitted by the late Rajah and his advisers, which omissions caused the adoption of Bhurt Pal to be invalid according to the rules by which such matters are generally judged in Rajpoot families."

And the Governor General says that Muddun Pal "has been found to be the proper successor since the name of Bhurt Pal was first brought forward."

In consequence of this change of opinion, you, on the 16th of January 1854, directed Sir Henry Lawrence to "at once recognize Muddun Pal as successor to the Kerowlee Chiefship, and take the necessary steps for his installation."

On this decision we must remark that you should have waited for our previous sanction: so far as we had given an opinion, our opinion had been given in favor of Bhurt Pal, and there was no necessity for immediate action, as the people of Kerowlee would not have suffered by the continuance of British management for a few months longer.

We cannot help observing also that if you had, in 1852, intended only to ask whether Kerowlee was to be considered as a lapse to the paramount power or not, you would have done well to have put that question simply before us, without any mention of Bhurt Pal, and not have led us to sanction a course on your representations which eventually you have seen good reason to refrain from adopting.

We hope that your previous opinion has not been made known at Kerowlee, otherwise we should regret exceedingly such an appearance of the want of sufficient consideration on the part of the Government.

Muddun Pal being of mature years, you are doubtful of the necessity of retaining a Political Agent at his Court. We observe, however, that, in the opinion of Colonel Low,

the Agency should be maintained for at least two years longer : you will of course inform us of the result of your deliberation on the subject.

The Agent has very properly been directed to state to the new Rajah that the annual instalment of the debt due to your Government must be paid regularly, and that, in the event of failure, one or more of his districts will be attached until the debt is paid.

The measures taken against the rebellious Garrisons of Ootgurh and Nerowlee were proper ; and we are glad to observe that the object was in both cases attained without bloodshed.







## APPENDIX.

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Copy of a letter from A. MALET, Esq., Chief Secretary to Government, Bombay, to H. M. ELLIOT, Esq., Secretary to Government of India,—(No. 41-98, dated the 7th April 1848.)

I AM directed to transmit to you, for submission to the Right Hon'ble the Governor General of India in Council, copy of a letter received this day, by express, from the Resident at Sattara, reporting the death, on the 5th instant, of His Highness the Rajah of that State.

2. I am likewise directed to transmit to you copy of a Minute recorded by the Hon'ble Mr. Willoughby on receipt of the above intelligence, and to state that the proceedings which may be adopted by this Government consequent on the death of His Highness the Rajah will be reported without delay to His Lordship the Governor General in Council.

3. I am directed on this occasion to forward copy of a letter from Mr. Frere, the Resident at Sattara, dated the 21st ultimo, reporting the particulars of His Highness's illness, together with copies of the documents noted in the margin, from which His Lordship in Council will learn the measures which were adopted by this Government, on receiving intelligence of the late Rajah's serious illness, for preventing any disturbance in the

Sattara Territory in the event of his death.

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Copy of a letter from the Hon'ble the Governor, to His EXCELLENCY LIEUTENANT GENERAL SIR WILLOUGHBY COTTON, G. C. B., the HON'BLE L. R. REID, and the HON'BLE J. P. WILLOUGHBY,—(dated the 22nd March 1848.)

THE accompanying Despatch having been forwarded to me by Mr. Frere, I have thought it advisable, owing to my proximity to Sattara, to issue to him instructions, of which a copy is annexed.

I have confidentially apprised Colonel Manson, Commanding at Poona, of the possibility of the occurrence of a crisis at Sattara, and I have directed the Collector, Mr. Courtney, to proceed in the prosecution of his ordinary duties to Neera, and there to remain for the present.

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Copy of a letter from H. B. E. FERRIS, Esq., Resident at Sattara, to the Secretary in attendance on the Hon'ble the Governor at Mahabeshwur,—(No. 22, dated the 21st March 1848.)

It is with very great regret that I have to inform you of the very serious illness of His Highness the Rajah of Sattara.

2. After being in better health than usual during the cold weather, His Highness had an attack of illness, about three weeks ago, which, though it would not have caused alarm in a man of younger and stronger constitution, threatened at one time to occasion ground for serious apprehension.

3. His Highness in consequence, on the 4th instant, returned from the districts to the neighbourhood of Sattara, and from that day rapidly recovered, so that, when I saw him on the 16th instant, he appeared to be in his usual health and spirits, and so continued till yesterday evening, when, after making arrangements for the celebration of the usual ceremonies this day, he complained, as he went to rest, of pain in his back; the pain increased during the night, and about 8 A. M., though I had an engagement to visit him in the afternoon, he desired I might be sent for immediately. I met the bearer of the Furnavees's note about eight miles off, as I was riding into Sattara, and finding Dr. Murray on the point of going to His Highness, we went together.

4. His Highness appeared to be suffering severe pain, and was evidently in great alarm about himself; his usual self-possession and firmness, for which Dr. Murray told me he had been remarkable in previous attacks of a still more painful nature, had forsaken him, and he was utterly unable to control his feelings. It was long before our united efforts could restore him to any degree of composure, and he then told me, in broken sentences, that he felt he was most seriously ill, and had many things to say to me.

5. In reply to an observation that he had previously recovered from similar and more severe attacks, he said that "they were quite different, that they pain and disease,\*

\* *Sic in orig.*

but that this was more ; that neither he nor any of those who knew what he suffered doubted but that it was the effect of the magical arts of his enemies. This is not the first time," he said, "that they have done so ; you know what they did long ago, and that they are still unpunished for that crime." This he said in allusion to the death of Bagoo Bace, His Highness's favorite concubine, which, as Government is aware, is attributed to poison, administered by Wasdem, the Native Doctor, at the instigation of Eshwunt Row Trimbuck, late Dewan, who has the reputation of being a proficient in the kindred and much-dreaded arts of magic and poisoning.

6. I reminded His Highness of the legal difficulties which opposed the earnest wish of the Government to enable him to bring the accused in the case in question to trial ; and, in reply, he merely earnestly appealed to me to pray Government to decide the case quickly, so that those who on trial might be found guilty, might no longer by the impunity of their crime, encourage evil-doers.

7. "He then told me that this was the state of Sivajee and Shahoo Maharaj ; that it was for the Government, who had so long upheld it, to take such steps as it saw fit to uphold it still ;" and then, with still deeper feeling and in a more impressive manner, said that he committed to the keeping of the British Resident Bulwunt Row Raj Adnya, the boy he had taken under his protection, and made the child put his hands in mine.

8. The room having been cleared of all but his most immediate and confidential attendants, the three Ranees entered, and His Highness said he committed them to the keeping of the British Government, to protect and provide for them.

9. They were followed by the mother and sister of Bagoo Bace, whom His Highness commended to me as special objects of his regard, adding that they had no one, after he was gone, to protect them.

10. The chief Officers of His Highness's household were then re-admitted, and after saying generally that he trusted them all to the

kindness and care of the British Government, he specially pointed out the father\* of the elder Ranee and  
 \* Tannajee Rajay Sirkay. Appajee Row Puttunkur, Tannajee Row  
 Nandekur, the two fathers-in-law of the Raj Adnya, the boy above  
 alluded to.

11. I have stated the substance of what His Highness said at intervals between the paroxysms of pain, and interrupted not only by his own groans, but by the lamentations of those about him, which often broke out with a clamorous expression of uncontrolled grief, into the painful details of which I need not enter, and which can be pictured to themselves only by those who have heard and witnessed Natives giving vent to the first bursts of unchecked sorrow.

12. Dr. Murray had prescribed what he considered best adapted to relieve the pain from which the Rajah suffered; but His Highness's usually firm mind seemed quite unhinged by the united effects of physical suffering and the firmly-rooted belief that he was laboring under the effects of supernatural agency; and he showed less willingness to take the prescribed medicine than to trust to charms and the antimagical incantations of Brahmins.

13. Dr. Murray considers His Highness's present attack to be a neuralgic affection. The severe illness he had, about three years and a half ago, commenced very much in the same way, with acute rheumatism of the loins, which afterwards extended with somewhat alarming symptoms to the chest. On the present occasion there are no febrile symptoms, which is so far favorable; but, on the other hand, his constitution is very much more broken, and would now give way to a much smaller amount of disease than it would have done three or four years ago.

14. In reply to the many painful appeals which His Highness addressed to me personally, I endeavoured to confine myself to general expressions of the grounds of confidence which His Highness might find in his past experience and knowledge of the generous manner in which the British Government had always treated even its enemies, in his acquaintance with the personal character of so many of our rulers, in his remembrance of his own undeviating loyalty to the British Government, and in the assurance that that Government would pay all

possible respect to the wishes of so faithful an ally with regard to those who were dear to or had served him with fidelity.

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*P. S.*—While writing the above, His Highness sent to beg me to come to him again as he felt worse: on my going to him with Dr. Murray, he proposed to submit to cupping, which was attended with considerable relief of the painful symptoms. Before I left he sent all his attendants, with the exception of the Furnavees, out of the room, and begged me to state to Government his hope that some gifts of jewels, cooking vessels, and other personal property, which he had made and purposed to make to the Raj Adnya and others, might be respected. I assured him that his wishes in this respect would have every attention from Government, but begged him to make sure that there might be no doubt as to his intentions by leaving written particulars of all such gifts, which he promised to do.

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Copy of a letter from the Hon'ble the Governor of Bombay, to H. B. E. FRERE, Esq., Resident at Sattara,—(dated Mahableschwur, the 22nd March 1848.)

I REGRET to learn from your letter of yesterday's date the alarming illness of the Rajah of Sattara.

2. In the event of his demise, it will be proper that the administration of the affairs of the Raj should go on as much as possible in the manner they are now conducted, and by the same Ministers, until the decision of the Government of India in the question of succession may be received.

3. In the present state of things, and still more so should His Highness's illness terminate fatally, you will not fail to endeavour to draw all parties towards you for counsel.

4. At such a crisis as the death of the Rajah would occasion, it will be advisable also that you should address letters to the jagheerdars of the State, enjoining them to maintain good order in their several dominions, and injunctions of a similar kind will of course be impressively laid by you upon all Officers of the State at Sattara.

Copy of a letter from the Members of the Government of Bombay, to His EXCELLENCY LIEUTENANT-GENERAL SIR WILLOUGHBY COTTON, G. C. B., Commander-in-Chief of the Army, Bombay,—(dated the 24th March 1848.)

WE have the honor to inform your Excellency that the Resident of Sattara has, in a letter dated the 21st March, informed us of the very serious illness of His Highness the Rajah of Sattara. The Hon'ble the Governor has confidentially informed Colonel Manson, Commanding the Poonah Division, of this circumstance and the possibility of the occurrence of a crisis at Sattara; and we think it right to apprise your Excellency in case Military movements should be eventually necessary.

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Copy of a letter from the Resident at Sattara, to A. MALET, Esq., Secretary to Government,—(No. 269, dated the 5th April 1848.)

IT is with great regret that I have to announce the death of His Highness the Rajah of Sattara at half-past one this afternoon.

With the exception of a general expression of grief on the part of his subjects at the death of His Highness, everything is perfectly quiet in the city.

Pending the orders of Government regarding the succession, I have directed all Officers to report to the Residency, but to carry on their duties in precisely the same manner and through the same Agents as during His Highness's life-time.

I have directed similar letters to be addressed to the guaranteed jagheerdars, and early to-morrow I hope to report, for the information of Government, all particulars attending His Highness's demise.

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Copy of a Minute by the HON'BLE MR. WILLOUGHBY,—(dated the 7th April 1848.)

I HAVE received this report of the death of the Rajah of Sattara with deep concern and regret, enhanced by the report recently received from the Resident of the able and enlightened manner in which he ruled his State and attended to the welfare of his subjects.

2. The Resident has not stated His Highness's age. The *Gazette Extraordinary*, which, I imagine, it will be proper to issue, announcing His Highness's demise, with the usual honors, had better be delayed until we hear from the Hon'ble the Governor, to whom this should be forwarded.

3. It is fortunate that the Hon'ble the Governor is at Mahableshtar to direct the Resident how to act under the emergency, and to suggest to the Board the arrangements which should be adopted for the future Government of the Sattara Territory pending reference to superior authority.

4. The death of His Highness should be reported to the Government of India by to-day's Post, with an intimation that our proceedings consequent thereon will be reported without delay.

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Copy of a letter from A. MALET, Esq., Chief Secretary to Government of Bombay, to H. M. ELLIOT, Esq., Secretary to Government of India, Fort William,—(No. 65-1478, dated the 8th April 1848.)

WITH reference to my letter of yesterday's date, No. 41, I am directed by the Hon'ble the Governor in Council to transmit to you, for submission to the Right Hon'ble the Governor General of India in Council, copy of a Proclamation issued this day by this Government, announcing the death of His Highness Shreemunt Maharaj Shahjee Rajey Chuttruputtee of Sattara.

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Proclamation, Political Department,—(dated Bombay Castle, the 8th April 1848.)

THE Hon'ble the Governor in Council has with deep regret received intelligence from the Resident at Sattara of the death, on the 5th instant, of His Highness Shreemunt Maharaj Shahjee Rajey Chuttruputtee, Sovereign of the Sattara State.

2. It is hereby directed, as a mark of respect to the memory of the deceased, that the Flag at the Castle be hoisted this day Half-Mast-High and so continue until sunset; and that 46 Minute Guns, corresponding in number with the age of His Highness, be fired from the Saluting Battery.



Copy of a letter from A. MALET, Esq., Chief Secretary to Government, Bombay, to H. M. ELLIOT, Esq., Secretary to Government of India,—(No. 70-1601, dated the 19th April 1848.)

IN continuation of my letter, dated the 7th instant, reporting the death of His Highness the Rajah of Sattara, I am directed to transmit to you, for submission to the Right Hon'ble the Governor General of India in Council, copies of three further letters from Mr. Frere, the Resident at Sattara, dated the 3rd, 6th, and 7th instant, on the affairs of His late Highness.

2. In the first of these communications Mr. Frere has reported the particulars of two interviews which took place between himself and the Rajah on the 1st and 3rd instant, on which occasions His Highness expressed a hope that Government would sanction a handsome provision from the Sattara revenues for the support of the orphan boy he lately took under his protection, and that His Highness would be permitted to adopt a son to succeed him in the Sattara Raj.

3. In his letter of the 6th instant Mr. Frere has reported the particulars attending His Highness's death, and states that a few hours before his demise His Highness, in the presence of Dr. Murray, Civil Surgeon at Sattara, adopted, as his son, a lad, named Venkut Row, of the house of Shedgaum, which traces its origin through Vittojee, the son of Kellojee, the great-grandfather of Sivajee.

4. With his letter dated the 7th instant Mr. Frere has submitted copies and translations of several memoranda, which, at the dictation of the Rajah, were drawn up several days before his demise. In these memoranda His Highness has stated his wishes in regard to the disposition of his private property, the provision to be made to his widows, dependants, and the orphan boy taken under his protection, and expressed a hope that the lad adopted by him would be recognized by Government as his successor in the Sattara Raj.

5. Copy of a Minute recorded on the 11th instant by the Hon'ble the Governor, concurred in by the Hon'ble Mr. Willoughby upon Mr. Frere's letters of the 6th and 7th instant, and of four Despatches on the affairs of Sattara (inclusive of the above subjects), addressed by this Government to the Hon'ble the Court of Directors on the 13th and 15th instant, accompany this letter.

Copy of a letter from H. B. E. FRERE, Esq., Resident at Sattara, to the Secretary in attendance on the Hon'ble the Governor at Mahableshwur,—(No. 27-159, dated the 3rd April 1848.)

I HAVE the honor to forward, for the information of Government, a memorandum of what passed at an interview with His Highness the Rajah of Sattara on Saturday, when he sent to ask me to see him in the morning.

2. I had expected that he would revert to the subject of the Raj Adnya's allowances, but, since his serious attack on the 21st ultimo, His Highness had seemed rather to avoid touching on the other subjects he brought forward on the present occasion.

3. He had left the ground near the Residency, where he had pitched for change of air, and returned to the Palace on Thursday night, the 30th ultimo. He appeared to have found the fatigue of moving greater than he had expected, complained of great weakness and of getting no rest at night, and altogether was in very low spirits about himself, and told me that his feelings during the night had convinced him it was impossible to hope he would be able to reach the hills and see the Hon'ble the Governor, and that he had, therefore, determined to bring forward what he wished to say at once before he got any weaker.

4. I trust my proceedings as detailed in the memorandum may be approved by Government, and would beg that it may be borne in mind that His Highness is physically in no condition to maintain a long argument. When I believed His Highness encouraged hopes which might, I feared, be disappointed, I stated my own views as fully and forcibly as I could: he listened patiently and seemed to do full justice to my motives in stating what I knew would be unpalatable; but even the exertion of listening wearied him greatly, and anything like discussion of the different points raised was out of his power. With regard to the question of adoption, he seemed content with my saying that I was quite unable to give any pledge as to the ultimate decision of Government, and could only assure him that it would be governed by what they considered just and right and for the good of his people.

5. Yesterday he sent to ask me to see him early this morning, when His Highness had several Yads read, which had been drawn up in

conformity with the memorandum he had made on Saturday. On my pointing out instances in which I was doubtful whether his wishes could be complied with, he told me he was reading them, not with the view of getting my opinion as Resident, but to ask me as his personal friend whether what he had asked were unbecoming or needed further argument or explanation to enforce it, which in no case appeared to me to be the case.

6. None of the memoranda said anything about the Raj Adnya's "Nemnook;" and when they were finished, he said he had determined not to write on that subject, but to ask me to obtain from Government their sanction to a life pension, leaving him power to give the boy such State office as he pleased, to be enjoyed during the sovereign's pleasure.

7. I pointed out that it was impossible to re-open the subject unless His Highness would mention the specific sum he wished to grant, and that I had already repeatedly expressed my belief of the inutility of his expecting the approbation of the British Government to the grant of anything approaching any of the sums he had ever named.

8. He then said he had originally applied for a Nemnook of Rupees 1,27,600, and that he trusted the British Government would not consider a life pension of Rupees 60,000 excessive, and begged I would submit his request on the subject to Government.

9. I told His Highness I could not hold out any hope that this would be considered a "moderate" and "suitable" provision, but the effect of what I urged only showed me the truth of the character given His Highness by one of my predecessors, "that, while few men were more amenable to sound advice *before* his opinion was made up, when once formed, he was remarkably tenacious of it."

### MEMORANDUM.

VISITED His Highness at the new Palace about 8 A. M. He had passed a restless night, and was looking more worn than when I last saw him on Thursday evening: the Native Agent and the Furnavees were the only persons present.

After talking some time about His Highness's health, on my expressing a hope that he would soon feel himself equal to undertake a journey to Mahableshwur, he said, "I shall not be able to go to Mahableshwur this year; I have no strength left;" and on my pointing out that he would probably recover his strength in the cool climate, which always suited him, and suggesting ways in which the fatigue might be lessened, he said with great deliberation and emphasis, "I have no strength for the slightest exertion, and I do not feel that I shall ever gain any strength;" and nothing I could say seemed to shake this conviction. His Highness then adverted to the case of the "Raj Adnya," the little boy whom he had taken under his protection, and asked me to give my advice as to what he had best do.

I then reminded him of the advice he had received from the Hon'ble the Governor in October last, and repeated what I had myself frequently urged on His Highness before, that he was not taking the best course for the boy's happiness by entertaining a wish to secure to him an allowance at all approaching the amount originally contemplated by His Highness, and which, he knew, the British Government regarded as excessive. I took the "Yads" His Highness had prepared, containing the particulars of the allowances he formerly proposed to assign to the boy, and pointed out that, of all the large sums therein enumerated, the items which could in any way contribute to the personal happiness of the boy, his wives, and their relatives come short of Rupees 25,000; that the rest were mere show, elephants, Sowars, Seebundeers, &c., the charge of which was in itself a source of trouble and anxiety, and could only serve to render the boy an object of envy: that if he wished again to bring forward the subject, my advice was that he should revise the items which made up this Rupees 24,000 odd hundred, strike out many items (such as allowances to Bhuts, Josees, Oopadias, &c.) which could in no way contribute to the boy's happiness, and the balance would form a "Nemnook" which Government might consider as coming within the definition of a "suitable provision" and concur in the propriety of His Highness conferring it on the boy, who would then be in little danger of losing it during his good behaviour.

"*Vide* Mr. Secretary Currie's letter, Governor General's Camp, Nagrota, 12th November 1846, No. 2313."

His Highness observed, that, as far as the boy's personal wants were concerned, a very small "Nemnook" would suffice, but that his object was to give him rank and consideration.

I replied, that His Highness's object was the boy's happiness, and asked whether His Highness did not feel that happiness was quite independent of such pageantry? He did not seem fully to concur in this, and asked, "what, was the boy the better for his favour if he had merely his own personal wants provided for?" I then said, that, if that continued to be His Highness's feeling, he would always have the power to give the boy any employment he thought fit, and to place him in command of any number of his Sowars, &c., he pleased.

His Highness answered by asking how he could feel assured of their being continued to the boy after his own death? Nothing, he said, was secure, but what was guaranteed by the British Government.

I said, it was vain to hope that the British Government would ever guarantee anything of the sort; that I should only be deceiving him were I to offer to submit to Government more than a moderate and reasonable provision to the boy himself; that anything beyond this he might bestow, as he pleased, during his own life-time, but that for its continuance afterwards he must trust to what those who might then have the management of affairs might consider just and reasonable: and I instanced several cases which might easily occur in which the embarrassment to all parties of any such guarantee was so obviously probable, that it was impossible to expect any Government, however inclined to meet His Highness's wishes, would ever accord its sanction to the terms he sought for.

His Highness seemed deeply mortified by finding, after much discussion, that I continued of this opinion, and at length turned from the subject with an intimation that he wished to say something of more pressing moment.

He then made the Furnavees bring forward several kincob and other bundles, which had apparently been taken out of different chests and despatch boxes lying before him, and which, he told me, contained the Sunnuds, &c., relating to the grant by the Delhi Emperors of the Sirdeshmookee and other Wuttuns and royal rights; "there was no necessity for opening them now; he merely wished to tell me they were there, and I was probably generally acquainted with their contents." He then told the Furnavees to take out the original Treaty of 1819,

which he made him read, stopping now and then to explain the words which implied or had any connection with the perpetual succession of sovereign power in his house; and, in like manner, he dwelt on the full meaning of that part of the Treaty of 1839 which ratified all parts of the previous Treaty of 1819 not specifically therein rescinded.

He then said that he had hoped to have been able to meet the Hon'ble the Governor at Mahableshwur, and there to have asked his advice as to the course he should pursue, but that he felt he could not hope to do so now; that he trusted that the same motives which had originally induced the British Government to maintain the throne of Sivajee and Shahoo would now induce them to consent to let him continue the succession in the usual manner by adoption; and that he had, in despair of being able personally to lay his request before the Governor, written a Yad, which he begged me to convey without delay to the Governor; that he had always been told, and always acted on the assurance, that the presence of the British Resident was as though the sovereign were there in person; that he did not feel assured for a day what would happen to him, and he therefore trusted that I would sanction or obtain the Governor's sanction to his adoption, when he could set about the necessary preparations without loss of time.

I reminded him that though the guarantee of the British Resident for matters within the limits of his powers was as valid as that of the Government he represented, that those powers were limited and did not extend to sanctioning his adoption; that I would convey any request he might have to make with all possible speed, but that I doubted whether the Government of Bombay or even that of India would feel competent to give an answer without previous reference to the Hon'ble Court of Directors, with whom, as Sovereign of India, rested the final decision of such questions.

He asked how long such a reference would take? On my naming three months as the shortest possible period in which an answer could be expected, he said he had little hope of lasting so long, but that he must trust to the generosity of Government.

He then had the Yad read and asked for sanction to adopt in general terms, and this circumstance, coupled with the way in which he

had turned from the subject of the "Raj Adnya's" allowances, revived in my mind an impression that, in the event of his getting a general permission to adopt, he contemplated adopting the "Raj Adnya."

In speaking some time ago of what might happen after his death, His Highness had observed that "he would never meet any one so much to his satisfaction as the boy in question;" whereupon I had taken the opportunity to point out how impossible it was that a boy so situated, a foundling and a stranger, out of whose dish His Highness could not eat, should ever be recognized as a fit person to succeed His Highness on the throne of Sivajee.

On the present occasion His Highness appeared to perceive that I was thinking of that conversation, and therefore said that, "if he got permission to adopt, he would select some one of the family of Bhonslay, not of the family of Kolapoor, because they had allied themselves with Scindiah, and otherwise contaminated the pure blood of the Bhonslays and mixed themselves up with families of low rank and bad character; besides which the Kolapoor children were both married and no adoption could take place after marriage; nor, he said, would he adopt any of the family who had been at Benares with the Ex-Rajah, nor any member of the Wawee house, because, were any of them to succeed him, there would never be any peace at Sattara for any of his own family or adherents; that there were seven other houses, the Bhonslays of Moonghy, Kauwut, Initee, Oodhut, Shedgaon, Kullus, and Tanjore; from one or other of these families he would select a successor after due enquiry as to the purity of blood, the qualities of the child, and the prognostics derivable from his horoscope.

He said, he would add to the Yad a few words expressive of his wishes in this respect, and there were many other things regarding which he would leave memoranda of his last wishes, lest I should forget them; and he proceeded to mention them to the Furnees, desiring him to make a note of each. The principal points which I gathered were, that the Ex-Rajah's supposed adoption of a son at Benares should on no account be recognized; that any gifts he might specify in a Yad of his own personal property might be respected; that certain persons he would enumerate might be continued in employment; and that if they did not manage satisfactorily, that the Resident should

himself assume the direction of affairs and guardianship of the State; that neither Ballajee Punt Nathoo nor Eshwunt Rao Foudar should, under any circumstances, be employed, the former on account of the ill will he had evinced to various members of His Highness's family, the latter for his many crimes; that Eshwunt Rao and all his accomplices in the murder of Bhagoo Bace should be tried by the Resident, and, pending such trial, not to be allowed to go at large.

He then said that it would probably take a long time to get an answer to his Yad regarding the adoption; that, should he in the mean time feel his end approaching, he would be compelled to adopt, leaving the recognition of the adoption to the generosity of Government.

I replied, that His Highness had, when first taken ill, fancied himself much worse than he really was, and I trusted he would yet recover; and that I need not tell him that the British Government would be but ill pleased to find he had taken such a step without any real urgent necessity and without awaiting their reply.

He said, there was no danger of his again being unnecessarily alarmed, but that he felt his life hung now on a thread.

He then reverted to the conversation regarding the Raj Adnya's allowances, and said he would write a Yad on that subject also, proposing a reduced allowance. I said, His Highness well knew my anxiety to further his wishes in any way, but I must repeat my conviction that it was useless to make any fresh proposal unless His Highness could concur in the views I had expressed of what I conceived the Government might allow to be moderate and reasonable. His Highness replied, that, even if what he proposed were Rupees 10,000 beyond what I might have advised him, he trusted I would recommend it for his sake.

The interview, of which the above is a sketch, lasted fully three hours, and at the conclusion His Highness was so exhausted as to be hardly able to give me the "utter," &c., on my taking my leave.

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Copy of a letter from the Resident at Sattara, to H. E. GOLDSMID, Esq., Secretary in attendance on the Hon'ble the Governor, Mahableschwur,—(No. 31-171, dated the 6th April 1848.)

IN continuation of my letter, No. 27, of the 3rd instant, I have the honor to state, for the information of Government, the following particulars regarding the death of His Highness Shahjee, Rajah of Sattara, having yesterday communicated the simple fact of his decease, by Express, to Government:—

2. When I left His Highness on the 3rd, he had begged me, as stated in my letter above referred to, personally to inform the Hon'ble the Governor of the state of his health, of the impossibility of his making his usual visit to Mahableschwur and thereby availing himself of the Hon'ble the Governor's advice with regard to the future; to explain as far as I could personally what might require explanation; and to let him know what hope there was of an immediate answer to any of the Yads which he would send me.

3. After I had written that letter, he sent a message to say that Monday was an unlucky day to sign the Yads, and he would defer doing so till Wednesday. I sent a reply that I would also defer my departure till Wednesday if he wished, but he sent to beg I would not do so, and ultimately he signed the Yads (*vide* my letter, No. , of this day's date) that evening.

4. I had no bulletin of his health on the 4th; on the 5th I was engaged in translating some of the documents I had brought up, when I received a note from the Furnavees, dated 6 A. M. that morning, stating that the day previous His Highness had remained in the same state as when I saw him on Monday, up to 12 o'clock at night, when he felt obstruction in his throat, and had since continued to get worse; that "His Highness had already told the Resident that, if he felt his life were despaired of, he must adopt a son," begging me to tell the Governor "the state of things here with the 'utmost submission,' and procured his consent to the Rajah's adopting an heir."

5. This was followed within a few minutes by another Express, with two notes from the Furnavees and Native Agent, dated 9 A. M.,

stating that His Highness was worse, his breathing more difficult, and that, though he was still able to talk and had the full use of his mental powers, he was unable to raise his head; urging my immediate return, as there was no hope of his life beyond the evening. The Furnees added—"As it is impossible to be sure that His Highness will last till the Resident comes, His Highness has formally declared his purpose\* of adopting a son."

6. Having communicated the purport of their notes to the Hon'ble the Governor, I set out on my return to Sattara, but was met on the road by a note from Dr. Murray, informing me that all was over, His Highness having expired at about half-past one.

7. For what past during the last hours of His Highness's life I must refer to the enclosed Memorandum from Dr. Murray, which is so full as to leave me nothing to add, from the testimony of other parties present, beyond a statement of the deep anxiety which His Highness showed that Dr. Murray should not leave him for an instant. To the very last His Highness expressed distress if he lost sight of him for a moment, and said that "he felt at ease as long as the Saheb was by him."

8. I trust the Government will approve of Dr. Murray's conduct under unexpected circumstances of very considerable embarrassment.

9. It was after dark when I reached the Palace; a vast crowd had assembled in the square in front of it, and the whole of His Highness's retinue was assembled as for a State procession. I was received by Mamma Sahib Senaputtee, His Highness's maternal uncle, one of the oldest and most respected of his Sirdars, who led me to the gateway, where the corpse was placed in a sitting posture, dressed as in Durbar, and prepared to be carried forth.

10. After the first clamorous expression of grief was somewhat calmed, the boy who had been adopted was brought forward.

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\* The expression "Sunkulp Soroon Tewela," meaning that "he had thrown the handful of water," with certain ceremonies which form the most solemn mode of declaring a settled purpose, might with very slight change be taken in the more common meaning of "Sunkulp" for "had given up the purpose."

11. I told the assembled Chiefs, that, when I had left the Governor in the afternoon, he was in full persuasion that I should find His Highness alive, and hoped that His Highness might have been spared many days; and that, in that belief, the Governor had expressed his approval of the advice which the Furnees and others present knew I had given His Highness on Saturday to await the answer of Government to His Highness's application for leave to adopt, and not to complicate the question by proceeding to any adoption pending the arrival of that answer, as His Highness's so doing might displease the British Government; that what had happened was now beyond remedy, but that it was out of my power to recognize the act till I received the orders of Government: that, in the mean time, I was instructed, in the event, which Government then hoped to be very improbable, of anything happening to His Highness to take charge of the Administration, but to conduct it on exactly the same principles and through the same Agency as during His Highness's life-time, till the decision of the Government of India, to which all would be reported, should arrive."

12. With this they seemed perfectly satisfied, several declaring "that they entirely trusted" to the British Government, "the late Rajah's best friend, and were content to abide by whatever it might think best."

13. They then asked leave, which I of course gave at once, for the procession to move on, which gave occasion for a fresh burst of grief from the assembled crowd. The adopted son, as chief mourner, preceded the corpse, carrying the fire for the pile; Mamma Saheb then begged me to go upstairs to where the Ranees were sitting, and he led the way, followed by about 20 of the principal Officers of the State and household.

14. In reply to my expression of deep sympathy with this heavy affliction of the family and State, the elder Ranee said, "her whole trust, and that of the child which her husband had on his death-bed placed on her knees, was in the British Government."

15. I explained as briefly as I could what had passed on the subject of the application for leave to adopt, and the difficulties which, pending the receipt of orders from Government, prevented my recognizing the act.

16. The lady was sitting, wrapped in shawls, between the two younger Ranees, close to the wall, and seemed quite to understand all I said, but it was repeated in her ear, in the usual way, by her Dewan. In so doing I observed he omitted or altered every expression which implied any *doubt* as to the recognition of the adoption; and painful as it was, I considered it, taking all circumstances into consideration, the less cruel course to recapitulate, and caused to be explained to the Ranees very distinctly the reasons which made it impossible for me to recognize the act, or to pledge myself to the decision of Government on the subject: I added an assurance of the wish of Government to maintain undiminished all the respect and consideration they had personally enjoyed during the Rajah's life-time, and prayed them to attend to his dying injunction, to rely in all things on the British Government, and in everything to communicate unreservedly with the Resident.

17. Both the elder Rancee and the other parties present seemed to understand my motives for being so explicit, and perfectly to comprehend the position in which the question rested; and in a few minutes we took our leave and followed the procession, which had proceeded to the Krisna, amidst the lamentations of the crowds of towns-people which line the road.

18. Expresses were immediately dispatched to the Officer Commanding at Poona and the Magistrates of all bordering Zillahs, announcing the death of the Rajah, and I have addressed similar communications to the guaranteed jagheerdars and to all those of His Highness's Local Officers who have been in the habit of receiving their orders direct from the Hoozoor, stating merely the misfortune which had befallen the State in the death of the Rajah; that, pending the receipt of orders from Government, all would be conducted by the Resident in precisely the same manner and by the same parties as in the Rajah's life-time, and informing them that the British Government looked to them for the maintenance of order within their respective jurisdictions.

19. The lad adopted by the Rajah is of the house of Shedgaon, which traces its origin through Wittojee, the son of Kellojee, the great-grandfather of Sidujee; his father and grandfather were both in the service of the Rajah. Up to an hour or two before the adoption

there appears to have been no thought of selecting this boy. The previous evening the Rajah, though fully convinced that his days were numbered, appears to have had no idea of any very immediate danger; he gave orders to have the drafts of Yads he contemplated writing got ready for his consideration next morning, and had sent in various directions to have different children of the various houses of Bhonslay brought to him, in order that he might select one for adoption. His illness during the night seems to have convinced him that no time was to be lost, and the lad in question was sent for. So unexpected was the summons, that a considerable time elapsed before he was found and his horoscope produced; the Rajah desired the Josees to confine enquiries to the three points of the boy's capacity for rule, his prospect of long life, and of having a family; and the result being favourable, his grandfather, in the father's absence, made him over to the Rajah, and he was adopted in the manner related by Dr. Murray.

20. It only remains for me to add that everything seems perfectly quiet, and the Officers of the Durbar and the people generally seem quite convinced that their only course is to await in patience the pleasure of the British Government.

21. I omitted to mention in the proper place that immediately on His Highness's decease Dr. Murray wrote to Major James, Commanding at Sattara, to suggest that double Sentries of His Highness's Regiment should be placed throughout the town, and that all public Offices and Treasuries should be locked up and placed under Sentries, which was done.

22. Every mark of respect due to His Highness's memory was shown by Major James's order; the firing of Minute Guns (47), corresponding with His Highness's age, being unavoidably postponed until sunrise.

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*P. S.*—When taken ill in the morning, among other expedients resorted to in the hope of prolonging His Highness's life, the Brahmins suggested the gift in charity of His Highness's weight in silver. As he was too weak to submit to the ordinary process, Rupees 15,000 were taken as the probable weight and given by His Highness.

The ceremony of adoption was announced by a Royal salute from His Highness's Artillery about noon, an hour and a half before His Highness's death.

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Memorandum referred to in foregoing letter.

A LITTLE after 8 o'clock this morning I received a message from the Rajah that he wished to see me at the Palace as soon as possible; I set out without loss of time, and on the road I met a second messenger, who stated that His Highness was very ill and was very anxious for my arrival.

On reaching the Palace I was informed by the Furnees, who met me at the outer gate, that His Highness had been taken very ill in the night, and that he had become much worse since morning. On entering the apartment where he was laying, I was much shocked at the great change which had taken place in his appearance since I last saw him six days ago; he was exceedingly weak, his breathing embarrassed, and his countenance collapsed, and indicating approaching dissolution; he was, however, perfectly sensible, although he spoke with difficulty.

In answer to his anxious enquiry as to what I thought of his state, I said that I was exceedingly sorry to see him so very ill, but that he had recovered from two or three previous alarming attacks of illness, and that I hoped he might yet be spared to his family and subjects; he shook his head and said, "No, I will never recover from this."

In the course of the next hour he rallied somewhat, and about 11 o'clock he seemed disposed to sleep.

Having retired into an adjoining apartment for a few minutes, His Highness sent the Furnees to call me, stating that he had something which he wished particularly to communicate: having gone in, I observed that a change for the worse had taken place during the short time I had been absent. In the course of a few minutes His Highness, having had himself raised in bed with some difficulty, and having ordered every one out of the room, with the exception of the Furnees and Rao

Sahib, desired the former to bring the copies of two Yads given to Mr. Frere two days ago, and to read them over to me; they were produced accordingly and read by Rao Sahib. His Highness now called me close to him and said that the contingency adverted to in the Yad (pointing to it) had now arrived, and that he was about to adopt a son; that he had an hour or two ago sent for the boy whom he had selected, who was now present in the palace, and that he wished the adoption to take place before me.

This announcement took me by surprize, as I had not received the slightest hint of it before; I said that I hoped His Highness would excuse my taking the liberty of urging the advisability of postponing this ceremony till Mr. Frere's arrival; that the formal adoption of a son appeared to me to be a matter of too great importance to be performed during the Resident's absence; that he was sure to be here early in the evening, and that I earnestly hoped His Highness would postpone carrying out his intention till then. To this he replied, that he felt quite convinced he would not live till the evening, and that what was to be done must be done now. I then begged him to delay for an hour or two, and that, if after that interval he should appear to be getting worse, the ceremony could then be performed, but he shook his head and said that no time was to be lost.

Finding that I could not prevail with him, I took the Furnees and Rao Sahib aside, and after explaining the reasons which made me so exceedingly anxious that no adoption should take place until the Resident's arrival, I begged them separately to urge the point upon His Highness once more, and to endeavour to prevail upon him to consent to the postponement of the measure; this they at once did, but with the same want of success as myself.

It being now evident that further resistance was hopeless, I apologized to His Highness for the importunity with which I had urged this point, and trusted that he would not consider that I had been presumptuous or disrespectful towards him in having thus ventured to obtrude my opinion and wishes in a matter which was quite beyond my sphere of duty, and which was so intimately connected with His Highness's domestic arrangements. To this he replied with his usual kindness of manner:—"No, you have done quite right; you have done your duty."

His Highness now put a pen and paper in my hand and desired me to write the exact words he was about to dictate. I suggested it would be better that Rao Sahib should write the words in Mahratta; but he replied that he wished me to write in English, as he spoke in Mahratta: he then spoke slowly but distinctly as follows:—

“I have not the slightest hope of living till the Resident’s arrival; I therefore now adopt this boy (calling the boy into the room), Wenkut Row, son of Amboojee Bhonslay, Shergaumwalla. Having finished he said, “keep that paper and give it to the Resident.”

His Highness now ordered the Ranees to be called, and gave some other orders which I did not hear, whereupon I left the room and walked out into the Court-yard; in a few minutes His Highness sent for me again, and said he wished me not to leave him.

There were now assembled round His Highness’s bed the three Ranees, the mother and sister of the late Baghoo Bacc, Bala Sahib Raj Adnya, the Furnees, Row Sahib, the Mama Sahib and his sons, the eldest Ranees’ father, the boy about to be adopted, with his grandfather, and probably between forty and fifty of His Highness’s Durbar. In a few minutes the ceremony of adoption commenced and lasted about a quarter of an hour. On its conclusion His Highness was lifted up in bed, and having had a turban put on his head and a shawl thrown loosely over him, the adopted son made his obeisance to him, and afterwards (at His Highness’s request) ate sugar out of my hand and from the hands of some half-dozen others standing around. On the question being asked (by the Furnees I think) as to the name by which the boy should hereafter be called, and several names having been suggested (such as Swajee, Shao, Maharaj, &c.), His Highness after two or three minutes’ silent deliberation answered, “Wenkutjee Rajee,” being the name of one of Sivajee’s brothers.

His Highness being much exhausted by his exertions, I requested him to lay down, and begged that the room might be cleared of all except his relations and immediate attendants in the hope of his being able to sleep; but he soon called me again to his bedside and said (speaking now with a good deal of difficulty, but with perfect intelligence), “I wrote eleven paragraphs (kulum) to the Resident; of these one has just



now been completed (poora hooa) ; the other ten must be completed by the Resident (Resident Sahib ne poora kurna) ;" he then said, "with regard to the Kamgar log, the Furnees knows everything ; he will communicate my wishes to the Resident ; he is to be trusted."

On his making some observation relative to myself, I took the opportunity of thanking him for the great and unvarying kindness I had experienced at his hands. He took my hand and said, "I have now told you all ; you must mention to Mr. Frere all that has passed and all that I have said. Mr. Frere must arrange and manage everything after my death ; from him all my people are sure to receive justice and kindness." He then alluded to the great kindness Colonel Ovans had shown to himself and his people, but his words were now scarcely audible.

Once or twice after this, not observing that I was present (though still by his bedside), he asked for me, and on seeing me seemed satisfied, though he said nothing, and, indeed, never spoke to me again.

He expired with scarcely a struggle at half-past one o'clock amid the general and (I feel assured) the sincere lamentations, not only of his family and attendants, but also of the numerous assemblage of people who were congregated within and around the precincts of the palace.

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Copy of a letter from H. B. E. FRERE, Esq., Resident at Sattara, to H. E. GOLD-SMID, Esq., Secretary in attendance on the Hon'ble the Governor at Mahableshwur,—(No. 32-176, dated the 7th April 1848.)

I HAVE the honor to forward translations of two memoranda received from His Highness the Rajah of Sattara late on the evening of the 3rd instant ; they are in a more formal shape than usual, bearing at top the "Sicca" or great Seal of State, which is only used on Grants, Treaties, and other documents of similar importance ; and, instead of the "Mortub" or Privy Seal, generally used by way of authentication at the end of His Highness's yads, they are signed at length with his name in full, a formality of which I know no other instance except the Treaty concluded with His Highness in 1839, as, on the few occasions when

it was usual for His Highness to authenticate a paper in his own hand, he merely wrote the last word or two, whatever they might be, or "Suhee" (signed).

2. These are the memoranda referred to in my letters noted in the margin : some delay in submitting the translations has been caused by my anxiety to make them as exact as possible and by the pressure of other business for the last few days. Copies of the original Mahratta are annexed in case Government should wish to make further enquiry as to particular expressions.

No. 27, dated 3rd April 1848.

" 31, " 6th "

3. The first memorandum consists of 11 Sections.

1st.—Asking for an early answer to the other yad, No. 364, in which His Highness had requested leave to adopt a successor, stating that, in the event of his dissolution approaching before the answer of Government arrived, he would adopt a son from among the Bhonslay families mentioned in the other memorandum ; and that, should any accident prevent his doing so, his eldest widow would adopt a son, with whom he begs the British Government to conclude a Treaty and continue on the same terms of friendship as heretofore.

4. 2nd.—States that a separate list would be sent containing the names and duties of the Officers of State who should be employed by his successor, but begging that the British Resident should superintend the management of affairs during the minority of his adopted son.

(The list here promised was never prepared. His Highness alluded to it to Dr. Murray, and told him that Succaram Punt, the Furnavees, was in his confidence and might be trusted in the matter in question. The Furnavees states that he does not think His Highness meant to note any particular objects of his confidence or mistrust, but to send a list of the existing Officers of State,

all of whom enjoyed his confidence, to the extent required for the discharge of their several duties.)

5. *3rd.*—Promises estimates (“Behras”) of the allowances and Establishments to be assigned to each of the three Ranees, within the limits of which each should manage her own affairs under the general superintendence of the British Resident.

(These estimates, the Furnavees states, were never prepared; the allowances and servants of each Ranee are, however, entered separate in the estimates of His Highness’s private household expenditure.

6. *4th.*—Promises sealed memoranda of the distribution he wished made of his personal effects and private gardens, grazing-grounds, and buildings among the three Ranees and his adopted son; and of two villages he wished granted to the two younger Ranees, one being already held by the elder.

(This memorandum, the Furnavees states, was never prepared.)

7. *5th.*—Relates to the “Raj Adnya,” the orphan boy His Highness had taken under his protection, and alludes to the allowance which His Highness purposed to grant to him, which His Highness begs may be continued to him without interruption; that a village would be granted to him in enam, to be enjoyed hereditarily with a garden, grazing-ground, and the revenues and management of the Somwar quarter (Peith) of the city; that he should have the control of his own people without interference from the Royal family, and promises a sealed list of the jewels and other personal property which His Highness wished to leave to the boy.

(This list, the Furnavees states, was never prepared; all that has passed of late between me and His Highness regarding the proposed

allowance will be found reported in my letters noted in the margin. The grant of a village in enam was never completed, nor was any village selected by His Highness for the purpose; but one of His Highness's private gardens, a grazing-ground, and the revenue and management of the Somwar Peith, have, it is stated, for the last year or so, been assigned to the "Raj Adnya" and managed by his establishment, though no regular grant seems ever to have been made.)

*Vide* my letters, No. 27, of the 3rd instant, and No. 31, of the 6th instant.

8. 6th.—Promises a memorandum of the Officers of State and the duties to be required from each.

*(Vide remark on Section 2.)*

9. 7th.—Begs that, in the event of disagreements between the Government servants, or malversation in Office, the Resident would enquire in presence of the adopted son, and, on conviction, punish the offender, forgiving a first offence, should he think fit, in consideration of personal character on the intercession of members of the Royal family.

10. 8th.—Promises a memorandum of all Officers of the State and household and confidential servants, with their existing allowances, which His Highness begs may be continued.

(This list was never completed.)

11. 9th.—Relates to Baghoo Bace, a woman of His Highness's household, who died, as was supposed, by poison, more than three years ago, leaving her mother, sister, and brothers to His Highness's protection. His Highness promises a memorandum of an allowance he proposed to grant to the surviving members of this family (the mother, sister, and two (2) sisters-in-law), together with a village, grazing-ground, and garden, to be given in enam, and some jewels and personal property he wished to leave them; all which he begs may be enjoyed without interference from the Royal family.

(These memoranda, the Furnavees states, were never prepared ; the two women in question, the mother and sister of Baghoo Bacc, have fixed allowances for themselves and their attendants from His Highness's private purse.

12. 10//.—Begs that Ballajee Narrain Nattoo may not be re-employed or permitted to interfere in the management of the State.

13. 11//.—Relates to Eshwunt Row Trimbuck, the late Dewan, and members of his family in prison, on suspicion of having instigated the murder of Baghoo Bacc (*vide* Section 9). His Highness begs that the Resident may try the charge of murder, and that, if acquitted, the accused should be expelled from the Sattara State.

(This case has lain over pending the decision of Government regarding the surrender to His Highness's requisition of Wasdeo Rughoonauth, the Native Doctor, a British subject, now in Bombay, accused of being an accomplice. Eshwunt Row Trimbuck has the reputation of being, if not a necromancer himself, a protector and employer of those who deal in magic, and was suspected by His Highness and the Native community of having been by such arts the cause of His Highness's last and fatal illness ; he was formerly in the service of the jagheerdar of Phultun, and Saibjee Bacc attributes to his arts the present dangerous illness of her brother.)

14. The other memorandum, No. 364, is drawn up with the same form as that just described. His Highness quotes the preamble of the Treaty dated the 25th of September 1819, and begs that the same motives which induced the British Government to establish the State in the first instance will now lead them to consent to the adoption of a son as his successor. His Highness mentions eleven houses of the Bhonslay family, from among whom he purposes to select the boy best fitted for adoption, and states his objections both to a child of the Kolapoor house and to the boy whom he had heard had been adopted by the Ex-Rajah, which adoption he prays may not be recognized by the British Government.

15. His Highness in his memorandum quotes from the Mahratta version of the Treaty, which is somewhat more full than the English. The English states the Treaty to be between the Hon'ble Company and His Highness the Maharajah, "his heirs, and successors," which are the terms used throughout the Treaty. The Mahratta version uses the words "Furjund, wu Waris, wu Kaim Mukam:" the two former words correspond, I believe, exactly to progeny, male or female, and heirs. "Kaim Mukam" is a Persian or Arabic word; \*Richardson gives the meaning of قائم مقام "a Lieutenant, a Vice-regent, the Kaim Mukam or Governor of Constantinople, a Vicar, an Administrator, Overseer, Church Warden."

P. 1112.

16. I cannot find the word in Molesworth's Mahratta Dictionary, nor is it commonly used in Mahratta, but I think I have sometimes met it in Mahratta or Guzerattee papers relating to mercantile affairs, when it was intended to bind those who might continue a business, other than the natural heirs of the contracting party.

17. The Treaty is executed in three languages, Mahratta, Persian, and English; one of the original copies is doubtless on the records of Government, but, for facility of reference, I annex a copy of the eight first clauses of the Treaty, which is on the records of this Office.

18. No expressions of the kind occur in the Treaty of the 4th of September 1839, of which an extract is also enclosed, but the first Article of that Treaty confirms all Articles of the previous Treaty of 1819, which were not abrogated or modified by the supplementary Treaty of 1839.

19. The boy adopted by His Highness just previous to his death belonged to the house of Shedgaon, which stands fifth in the list of families enumerated in His Highness's memorandum.

20. I have collected all the information within my reach relative to the Sattara family, which, if required by Government, will be forwarded.

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Copy of a translation of a yad from His Highness the Rajah of Sattara, to the Resident,—(No. 364, dated the 2nd April 1848.)

IN the Treaty concluded by the British Government with this Sirkar (His Highness), it is stated "that, in consideration of the antiquity of the family (khandan) of the Maharaj Chuttruputtee, a sovereignty (raj) has been conferred upon him, which should be enjoyed constantly (sudodit) by the Maharaj Chuttruputtee, his offspring, heirs, and representatives."\* As to this, we beg to represent that, as this State (raj) was bestowed by the great libera-

\* Furjund, wu Waris, wu Kaim Mukam.

lity (odarutve) of the British Government, we feel assured that there will be no failure (Autur) on the part of the British Government to continue it hereafter. We have now been indisposed and are very seriously ill, and having no legitimate male issue, it is therefore our anxious desire to adopt a son : the Bhonslay families are as follows :—

- 1 The Khanwuteekur family.
- 1 „ Jinteekur „
- 1 „ Koraleekur „
- 1 „ Moongeeekur „
- 1 „ Shedgamkur „
- 1 „ Ohundawurkur (Tanjore).
- 1 „ Oodhutkur „
- 1 „ Kulluskur „
- 1 „ Bhambooreekur „
- 1 „ Munjoorkur „
- 1 „ Ban Sendreekur „

Whatever child from the above-mentioned eleven families may be best will be selected and adopted : the nuptials of the Kurveekurs (Rajahs of Kolapoor) have been celebrated ; they have allied themselves with families with which it is not our custom to ally ourselves ; we have

heard that the late Ex-Rajah, Prutap Singh Maharaj, had adopted a boy, the son born to the late Bulwunt Row Bhonslay Waveckur, on the road to Benares. As to this, that boy was not adopted by the advice of the British Government nor by that of this Government; consequently, that boy cannot be received here; wherefore, if that boy, or any person on his behalf, should make claim, it should not be admitted by the British Government: the members of our family cannot remain under that boy, and it will also be difficult for them to preserve even their lives; for these reasons the aforesaid two boys cannot be taken. It is therefore requested that the British Government, with a view to maintain the name of the throne and race of the late Seevajee Maharaj and Shahoo Maharaj, may give its advice for the adoption of a son as speedily as possible; we have placed all our reliance from the first on the British Government and will do so for the future. The Resident, after taking into his consideration the nature of our continual friendship with the British Government, should write to the Honorable the Governor, and kindly use his utmost exertions to procure His Excellency's consent and then favor us with his advice for the adoption of a son; by so doing the renown of the Honorable the Governor and the Resident for preserving this State will continue for many days. It is therefore solicited that arrangements should be made to send a reply to the above memorandum as soon as possible. Owing to our serious illness the Resident visited us at the Palace on the 1st April to enquire after our health, when a conversation passed with him in regard to the affairs of this State: a yad regarding the same, containing eleven paragraphs, accompanies this, from which the matters will be known; let it be done accordingly.

Dated 27th Rubeel Akhur, corresponding with 2nd April 1848.

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Copy of a translation of a memorandum from SHAJEE MAHARAJ CHUTTRUPUTTEE (His Highness the Rajah of Sattara), dated the 2nd April 1848.

IN consequence of our very serious illness, the Resident, Mr. Frere, having, on the morning of the 1st April 1848, at 7 o'clock, paid a visit to us at the Palace in order to enquire after our health, and having heard and understood our present circumstances, he desired that we should state what it was on our (the Maharajah's) mind; whereupon we stated to him personally to the following effect:—

1. The British Government, in consideration of our family ("khandan") being a very ancient one, having bestowed (on us) a sovereignty (raj), gave (us) a Treaty, in which it is stated that the "Maharaj Chuttruputtee, his descendants, heirs, and representatives (Furjund, wu Waris, wu Kaim Mukam) should always (sudodit) enjoy the raj." I am now very seriously ill; I have no legitimate male issue (Poteepootr Suntaun); it is therefore desirable that a reply should speedily be returned to the yad transmitted to the British Government, under date the 2nd April 1848, No. 361, regarding the adoption of a son (to succeed) to the Government of the State. In the event of any delay taking place in the receipt of an answer, and it should be found that there is no trusting to my recovery, a boy from the Bhonslay families mentioned in the yad will be adopted; and in case, from any reason, a son should not be adopted in person by the Sirkar (His Highness), a son will be adopted after me by the elder Rancee, in whose name let the British Government conclude a Treaty as before, and continue their friendship on the same footing as it existed heretofore: in this will be shown the renown and kindness of the British Government.

2. All servants should act under orders of the heir that may be appointed, and the names of the Officers and the duties to be required by him from each will be stated in a separate yad, as written in the 6th paragraph; they are to teach the adopted son to conduct himself well,

to give him sound advice and counsel, and to manage the affairs connected with the Raj, under his orders, with honesty and fidelity according to the Regulations; but till the adopted son has attained full age to undertake the management of affairs, the Resident should take the Government Officers nominated in a separate yad under him, and continue to administer the affairs of the State (Dowlut); and as soon as the adopted son shall have attained full age to be able to undertake the management of affairs, he should be vested with the powers to administer the affairs of the State in order that he may manage the Raj on his own authority.

3. Estimates (Behra) of the Nemnooks for the expenses of the three Ranees will be made and given to the Resident; they should accordingly each manage their respective expenses under their own orders, by which no difficulty will be experienced, and the Officers and other servants who are nominated should be required by them (the Ranees) to conduct their duties in conformity with the Government Regulations, and those who will not act according to orders should be reported to the Resident, and the requisite steps should be taken to settle regarding them.

4. The jewels, silver and other vessels, and all other articles and property, gardens, grazing-grounds, and buildings, which are to belong to the adopted son and the three Ranees, as also a village now held by the elder Ranee beyond the estimated amount (Behra) of her expenses, and two villages which are to be settled in a similar manner on the second and third Ranees, will be granted, and sealed yads of the same, including the jewels, &c., will be prepared, in accordance with which they should each of them hold them respectively.

5. The mother of Bulwunt Rao Bhonslay Punt Raj Adnya died while he was very young, whereupon his father represented that he was unable to protect and rear up the child, and made him over to this Sirkar while under one year of age; whereupon His Highness, always keeping him in his own presence, reared him up and made a pet of him, and conferred on him the title of "Raj Adnya" to give him rank and such allowance (Nemnook) as may be granted him for his maintenance under the advice of the British Government; the same should be continued to him without stoppage (uecruntur). A village will be

granted in inam to him, and also a garden, a grazing-ground, and the management of the Somwar Peith, with the income derivable from it, have been assigned and granted to him, which shall be enjoyed by him hereditarily; and in case the Officers and other persons nominated for his service should not act according to his orders, he is himself to dismiss or employ them. No protection should be given to his people by the members of His Highness's family, in order that the people may act in accordance with the Raj Adnya's orders. A sealed list of the jewels, vessels, &c., given as presents by the Sirkar (His Highness) to the Raj Adnya, will be made out and given; he should enjoy them accordingly. If any difficulty be made by the members of His Highness's family regarding the aforesaid gifts, the Raj Adnya will report the same to the Resident, and the requisite measures should be taken to arrange the matter.

6. The names of the persons to be employed, and the business to be entrusted to their hands by the adopted son, will be entered in a separate yad; they should be required to perform their duties accordingly.

7. Should the Officers of State begin to disagree among themselves and to receive bribes in the transaction of business, on this becoming known, either direct or through the members of our family, to the Resident, he should institute an enquiry into the case in presence of the adopted son, and inflict punishments proportioned to the guilt which may be substantiated; and if he (the Resident) thinks proper, at the intercession of our family, to forgive the offence once, with reference to the personal character of the offender, he will do so.

8. A yad will be drawn out of Officers of the State, including those of the troops and the Mankurrees and those of the Officers of the private Establishment and followers and servants who were (favorably treated hitherto by the Sirkar (His Highness), and, as stated therein, the allowances of such parties should be continued.

9. The late Bhagoo Ghatgee was employed in the service of the Sirkar (His Highness); she died by poison. She made a request whilst on her death-bed, stating that "there were her mother, Rumma Bace, sister, Ooma, two brothers, and their two wives, and that these members of

her family should be maintained and protected by the Sirkar (His Highness). As to this, Baghoo rendered faithful services to the Sirkar, and both her brothers also, after having faithfully served the Government, died, and Ooma has also served honestly from the time of Baghoo, in consideration of which the above-mentioned members of that family have been protected. A Behra (Estimate) for their expenses will be made and granted, in accordance with which their allowances should be continued, and a village, a Koorun (grazing-ground) and a garden will be granted in inam ; and certain jewels, vessels, and other articles have been given, of which a sealed yad will be made out ; the Ghatgee should accordingly enjoy the above without interruption. If our own family ("Khasa Mundullee") should make any attempt to get back any of these gifts, or should the attendants transferred to their service misbehave, they are themselves at liberty each to dismiss or employ her own people ; those people should not be protected by our family (the "Khasa Mundullee"), and if they should be, then Ghatgee shall communicate the matter to the Resident, and orders should be given that the same should be arranged.

10. Ballajee Narrain Nattoo was employed by this Government during the time of the late Resident, Colonel Ovans, at which time he was on bad terms with our family (Mundullee) : Colonel Ovans then sent a message by Nattoo to the Sirkar (His Highness) that no person should act as intermediate Agent between him and the Maharaj Sirkar ; all matters connected with business should be communicated personally, whereupon Nattoo was removed from his Office ; it is therefore desirable that he should not be permitted again to interfere in the affairs of the Sattara State.

11. Eshwunt Trim buck and Surruswuttee : these two persons, though in the service of this Government, have conducted themselves unfaithfully towards us, in consequence of which suspicion they have been placed in confinement ; they should accordingly be kept in custody until the investigation of the case can take place. The Resident should bring them to trial, and, if they be convicted of the crime of murder, the punishment awarded for the crime of murder should be inflicted according to the Regulations ; should they not be convicted of murder, both parties, together with their families, should be forbidden to remain in the limits of this country, and no petitions that may be made on behalf of either to the British Government should be complied with.

12. In all eleven paragraphs have been written, according to which it should be done. Dated 27th Rubeel Akhur, corresponding with 2nd April 1848.

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Treaty between the Hon'ble East India Company and His HIGHNESS SHREEMUN MAHARAJ SHAJEE RAJEE, Chuttruputtee of Sattara, concluded at Sattara on the 4th September 1839, by LIEUTENANT-COLONEL OVANS, Resident at Sattara, on the part of the Hon'ble East India Company, and by ESHWUNT RAO TRIMBUCK on the part of SHAJEE RAJEE, Chuttruputtee, by virtue of full powers from their respective Governments.

#### ARTICLE 1ST.

ALL Articles of the Treaty of Sattara, dated the 25th of September 1819, which are not abrogated or modified by the present supplemental Treaty, are hereby confirmed.

#### ARTICLE 2ND.

It is hereby explicitly declared that the Rajah has no present or prospective title or claim to any territory situated beyond the boundaries of the Sattara State, as the same are laid down in the Schedule, dated the 29th of March 1826, annexed to the aforesaid Treaty, as follows:—  
“The frontier extends from the Kisna and Warna, on the south, to the Neera and Beema, on the north, and from the Western Ghauts or Siyadree Hills, on the west, to the Districts of Pundurpoor and Beejapoor, on the east.”

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Copy of a Minute on letters from the Resident at Sattara,—(Nos. 31 and 32, dated the 6th and 7th April 1848.)

I HAVE informed the Resident that I have no other instruction to convey than those given to him by me personally in anticipation of the Rajah's demise.

2. I have also told him that I learn from these Reports, and especially from the 11th and 12th paragraphs of that of the 6th instant, that he is conforming exactly to my instructions, and that the Chiefs, Ministers, and widows of the late Rajah, seem to be perfectly satisfied to

abide by the arrangements which he has accordingly adopted for conducting the Government of the Sattara Territory pending the determination of the question of succession.

3. The unhesitating manner in which all the members of the Court, on the Resident's explanation, recognized at once the propriety of the Resident's abstaining from acknowledging the child who, a few hours before, had been adopted with all ceremony by their dying Rajah in their presence, and the cordiality with which all persons appear to be carrying on their appointed duties under the Resident's superintendence and directions, afford testimony, as I have informed him, to the weight and estimation which his conduct of the duties of British representative at Sattara has acquired for his counsel.

4. I have requested the Resident to express, on the part of the Government, to Dr. Murray the approbation with which his proceedings on the day of the Rajah's demise are viewed; he evinced great judgment in a position of difficulty and considerable delicacy.

5. As for the due discharge of his present laborious duties, it will be indispensable for a time that the Resident should have near him some Assistant whom he can employ at all hours, and confidentially I authorized him to request the Officer Commanding at Sattara to allow him to select any qualified young man whose services he could temporarily dispense with; the Resident has accordingly selected Lieutenant H. R. Sanford, of the Artillery, and His Excellency the Commander-in-Chief informs me that he has no objection to offer to the arrangement.

6. A further Minute will contain the remarks I have to make regarding the measures to be taken consequent on the adoption.

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Copy of a letter from A. MALET, Esq., Chief Secretary to Government of Bombay, to H. M. ELLIOT, Esq., Secretary to Government of India,—(No. 76-1689, dated the 25th April 1848.)

IN continuation of my letter, dated the 19th instant, No. 70, I am directed by the Hon'ble the Governor in Council to transmit to you, for

submission to the Right Honorable the Governor General of India in Council, copy of a further communication from the Resident at Sattara, dated the 12th instant, No. 34, reporting the particulars of a conference which he had with the principal Officers of the Sattara State, together with a copy of my reply thereto, of this date.

Copy of a letter from H. B. E. FRERE, Esq., Resident at Sattara, to A. MALET, Esq., Chief Secretary to Government,—(No. 34, dated the 12th April 1848.)

I HAVE the honor, in continuation of my letter, No. 31, of the 6th instant, to state that, on the afternoon of that day, the parties mentioned

1. Succaram Bapoojee, Furnees Amatye (had been for the last 2½ years the only person at all in the situation of Minister to His Highness who usually transacted all business in person).

2. Ambajee Rajah, Suke Sir Lushkur (he appeared for his father, Mama Sahib Senaputtee, maternal uncle to the late Rajah, Mama Sahib, too feeble to leave his house).

3. Jauram Boete Senakurte.

4. Moodajee Raje, *alias* Rowjee Mahadeek Bukshee (the three latter manage all Military affairs under the orders of the Senaputtee).

5. Succaram Bullal, Canare Siccanees (seals all His Highness's papers).

6. Cassinauth Ramchunder, Dufturdar.

7. Madajee Ramchunder, Naib Moonim.

8. Chrisnaje Chintamuny, *alias* Babagoreh, Moonim.

9. Vittul Gungadhur, Pharke Foujdaree Moonim.

10. Pandoorung Narain, Acté Moonim (the administration of civil and criminal justice is under the superintendence of these four last named men).

11. Chinnajee Chintamun, Mahajunee Amildar Nazir.

12. Wassodeo Chrisna, Mahajunee Chitnese.

13. Ramchunder Bhowram, Patnees.

14. Hurry Nurseedass, Potdar.

15. Bhikajee, Moreshwar Phatak (has charge of the Hushum or Department of Sebundees).

16. Succaram Bullal, Mahajunee (the Karcharee of the Ranees).

17. Succaram Chitikoo, Neechleechur (in charge of His Highness's private Treasury).

18. Gopal Succaram, Canare (has charge of the Department of Appeal in Civil Cases).

19. The Karkoon in charge of the Police of the City and other subordinate Officers.

in the margin attended at the Residency by appointment; they included all who held responsible Office as heads of Departments under the late Rajah who were then in Sattara and able to come.

2. After adverting to the sorrow which the British Government would feel at the death of so faithful an ally and so good a sovereign as His Highness, I stated in somewhat more detail than I had done in speaking to the same parties the day before at His Highness's Palace the course which the British Government desired to adopt pending a decision of the questions relating to the disposal of the sovereignty, which had so unexpectedly become vacant. The Furnavees and Bukshee, who acted as spokesman for the rest, said, that they were all old and faithful servants of the Rajah, whose constant desire it was to conform himself to the advice and meet the wishes of the British Government; that they considered, as he did,

that everything rested with that Government, as represented by the Resident, beyond whom they knew of no authority in India or England; that they would all serve as though the Maharajah were still alive; and trust to the Resident so to state their case as to get the consent of Government to the last act of His Highness, on which depended the bread of so many thousands who had been fed in that place by the Rajah and his predecessors for hundreds of years.

I then recounted to them at greater length the reasons which prevented my recognizing any adoption, or pledging myself to the course Government might see fit to pursue, till I received its orders; they stated they were quite content to leave the matter to the decision of Government, and serve on, as I might order, in reliance on the justice and liberality of the British Government, and ended by asking me to explain in person to the elder Ranee what I had just stated to them.

4. I accordingly, in the evening, accompanied by Dr. Murray, followed them to the Palace, where, within a room occupied by the Hoozoorias and other members of the late Rajah's Court, the Ranees were seated on the ground in the manner usual for mourners, the elder a little in front of the two younger ones, and the adopted son on a corner of the carpet; Mama Sahib Senaputtee, the Furnees, Chitnese, and about half-a-dozen other Officers of superior rank were also present.

5. After repeating what I had stated to the Chiefs in the afternoon, the elder Ranee said, she trusted entirely to the Resident to enable her to carry out her husband's last wish as regarded his adopted son; I then told her yet more distinctly the obstacles to any recognition of the act pending the receipt of orders from the Government, which it might belong before I received, as she was probably aware of many conflicting claims, all of which must be weighed and decided on before Government could come to a decision; that her truest policy was to await that decision in patient confidence that it would be dictated by a strict regard to justice and the interests of her late husband's subjects, which was the only assurance regarding it I could give.

6. She said she was quite satisfied to leave the matter to Government; that the only instructions her husband had given her were to



abide by the advice of the British Resident, and not to run counter to it, though a father or brother should advise her to the contrary.

7. His Highness, she afterwards told me, was occupied in dictating to her a written memorandum of his last wishes in this respect for her guidance on the morning of the day he died, when increasing want of power to speak prevented his completing it.

8. On the 7th I went, accompanied by Major James, Captain Thomas, and Dr. Murray, to the Udalut Warra, in which most of the public Offices are situated; the building is under the charge of Chimna Sahib Bhonslay, the grandfather of the boy adopted by His Highness. As already reported, all public Offices had been sealed up and placed in charge of sentries from Captain Thomas's Regiment.

9. The Treasury books showed a balance in hand of all kinds of Rupees 3,60,625. As it would have occupied a long time to examine the whole, a sufficient amount was set aside for current purposes, and the rest again sealed up. In this Establishment everything appears to be conducted on the system laid down by Captain Grant; not a rupee could be paid without an order from His Highness, and all such orders were carefully recorded before and after presentation, and had to go through several separate Offices. A receipt was always endorsed on the order in addition to the entry of payment in the books, so as to increase the efficiency of the check, and a daily note of the balance in hand was always presented to His Highness.

10. The Dufur, or Revenue Department, and Chitnese, or Secretary's Office, the Hashum, or Office for Sebundeas, a very extensive Department, three Courts of the Ameens, and the Foujdaree Establishment, with a prison in which are confined some of the prisoners under trial, were all in the same building. On removing the seals from their Offices I desired all these functionaries to continue in the discharge of their several duties in the same manner as if His Highness had been alive, but, pending the decision of Government regarding the course to be pursued in future, to look for the orders they would have received from His Highness to the British Resident.

11. The same orders were repeated in succession to each public Office which was visited. The Khasgee Duftur, close to the old palace, is under the personal superintendence of the Furnavees: in it are kept the accounts of His Highness's personal expenses and of the household, of all the Establishments of horses, elephants, camels, &c., &c. The books showed a balance in the Khasgee or Private Treasury, under date the 4th April, of Rupees 5,316-8-3, besides Rupees 27,000, which were then in deposit, Rupees 10,000 to be paid to the British Government on account of the Ex-Rajah's pension, and Rupees 17,000 (not 15,000 as stated in my letter, No. 31, of the 6th April), which, in compliance with a custom not uncommon among persons of wealth in extremity, His Highness had ordered to be given in charity as his "tol" (weight) to Brahmins, who were to pray for his recovery, but which had not been actually distributed when he expired.

12. Besides the Khasgee Duftur, which is, as may be supposed from the work to be executed, a very extensive Department, His Highness had a really private Treasury in the new palace under the care of Succaram Chilko Vechleykur, a confidential Karkoon of the Khasgee Establishment: he stated that the accounts showed a balance of about Rupees 13,633, exclusive of a deposit of about Rupees 72,700, of which Rupees 22,700 was claimed by Ooma Bae Ghatkey, a person on His Highness's Establishment, as belonging to her. There being no time to examine this Treasury, nor any immediate necessity, as in the case of the public Offices, for settling any Establishment to work, the whole was sealed up; and the same was afterwards done with the records relating to them, which, the Karkoon stated, were not very full, as His Highness usually himself put in and took out the money, and trusted more to his own memory than to any regular accounts.

13. The jewel and plate room, in which the seals were also kept, and the cloth room, in which a large quantity of valuable clothes were accumulated, were under the charge of Bawembhow, Jemadar: they were re-sealed, as no immediate necessity existed for opening them; and the same was done with regard to the Armoury (Jaraitkhana), in which there was some valuable property in charge of a separate Officer, with an Establishment of smiths and other workmen, &c., under him.

14. A similar course was next day adopted at the request of the elder Rancee with regard to the two rooms, in one of which the clothes

and jewels belonging to herself and the two younger Ranees were deposited, while in the other were placed those which His Highness had given the "Raj Adnya," whom, in compliance with His Highness's dying wish, she had taken under her protection.

15. For some time to come she said it would be impossible she should herself look to these matters as His Highness did, and though she had every confidence in the persons to whose charge the property was entrusted, it was only fair to them at such a moment to take every precaution which would ensure them against even a suspicion of abuse of trust.

16. In all these cases very perfect arrangements seemed to have been made and very regular records kept by His Highness's order: there were a vast number of persons employed, but each had his distinct regular duty. Lists, with cost price, &c., or tickets attached to the articles, were in most cases forthcoming, and each Ranees's property was kept separate during the last two days. With the help of Major James and Captain Thomas exact inventories have been made out, which, when completed, will be made over to the Ranees, with the keys of the room in which their own property is deposited; and the same will be done with regard to the Raj Adnya's property, the keys and lists of which, when complete, I purpose making over to him in presence of the elder Ranees: without some precaution of this kind there would, I apprehend, have been hereafter endless disputes about the property.

17. For a similar reason seals were placed on two rooms in the house of Ooma Bacc Ghatkey, in which, it was stated, His Highness occasionally kept money and property belonging to him.

18. I have directed the Furnavees, who was the only person about His Highness at all in the position of a Minister, to have all papers which would have emanated from His Highness himself prepared for my signature by the same parties and with exactly the same formalities as in His Highness's time, the address being merely changed where any address was usual from His Highness's titles to the Court of Sattara (Rajmundel Hoozoor, Sattara), and my signature being added to all orders to Mamlutdars, &c., which it was not usual for His Highness to see; the course of business in His Highness's life-time having been

for each head of a Department to enter the substance of all Reports in the journal of that Department, and take from His Highness's dictation a note of the answer to be given, which was sealed by way of authentication on the journal itself, and the answer drafted from it sealed and sent without further reference to His Highness, though the sealing was always done in his presence.

19. As far as I can judge, all seems likely to go on perfectly quietly pending the receipt of orders from Government as to the Administration hereafter; but it is right I should inform Government that very great anxiety exists among all classes about the town as to the future; and no act is so trifling but that I hear it has been interpreted in various ways, favorable or unfavorable to the continuance of the State, according to the hopes or fears of the party. Government will not be surprised at this when it is considered that the bread of almost every one in and about the city depends more or less on the decision: besides the holders of jagheers, enams, &c., who may feel more or less secure according to the tenure on which they hold their possessions, there are at least 10,000 individuals *directly* supported by salaries from the Court, and most of these have probably many persons dependent on them for subsistence. On the expenditure of such Government servants mainly depends the trade of the city, and there are few of the cultivating classes even throughout the territory to whom the extinction of the dynasty of Sivajee would be matter of indifference: most of these near Sattara and all the more respectable families at a distance have some relative in some situation or other in His Highness's service, and all for many miles round participate more or less in the benefit of the expenditure caused by the Durbar.

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Copy of a letter from A. MALET, Esq., Chief Secretary to Government of Bombay, to H. B. E. FRERE, Esq., Resident at Sattara,—(No. 1688, dated the 25th April 1848.)

I AM directed to acknowledge the receipt of your letter, dated the 12th instant, No. 34, detailing the particulars of a conference you had with the principal Officers of the Sattara State, and to inform you that the Hon'ble the Governor in Council approves of the proceedings therein reported.

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Copy of a letter from H. M. ELLIOT, Esq., Secretary to Government of India, to the Chief Secretary to Government of Bombay,—(No. 1149, dated Fort William, the 6th May 1848.)

I HAVE the honor to acknowledge the receipt of your letters, dated 19th and 25th ultimo, Nos. 70 and 76, with their enclosures, on the affairs of the late Rajah of Sattara.

2. In reply, I am directed to intimate that the Governor General in Council concurs with His Honor the Governor in Council of Bombay in the expression of full approbation of the measures taken by the Resident at Sattara and of satisfaction at the prudence and discretion displayed by Dr. Murray in the difficult position in which he was placed.

3. The Governor General in Council will not issue instructions regarding the State of Sattara until the receipt of the further Report expected from you, when the subject shall be taken into consideration and the opinion of His Lordship in Council conveyed to you without delay. In the mean time, however, the Governor General in Council has instructed me to state that the administration of the territory should be continued under the direct control of the Resident as now arranged, and that care should be taken not to give any encouragement to the expectations that the adoption of the boy by the late Rajah will be confirmed by the Hon'ble Court.

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Copy of a letter from A. MALET, Esq., Chief Secretary to Government of Bombay, to H. M. ELLIOT, Esq., Secretary to Government of India,—(No. 77-729, dated the 27th April 1848.)

In continuation of my letter, No. 76, of the 25th instant, I am directed by the Hon'ble the Governor in Council to transmit to you, for submission to the Right Hon'ble the Governor General of India in Council, copy of a memorandum containing a brief narrative of the Sattara Raj, drawn up by Mr. Frere, the Resident at that place.

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## Memorandum regarding the Bhonslays of Sattara.

THE heroic genealogy of this house is traced through the Ranas of Oodeypoor and Chittore to the Sissoday

Grant Duff, History of Mahrattas, Vol. I., page 26.

Rajah of Asseer, conquered and slain by Salivahan, whose era commences A. D. 77-78.

The only historical value of the legends on this subject seems to be to corroborate other proofs that the Bhonslays, like most of the old Mahratta families, had pretensions to a Rajpoot origin.

They appear to have been a family of considerable influence previous to the time of Kellojee, the great-grandfather of Sivajee: there are still existing four acknowledged branches, which had separated from the main stem before Kellojee's time, and who had then acquired separate Patelships in the Deccan, which their descendants still hold: these are the families of Koral, Bambooree, Munjoor, and Ban Sendree.

The Bhonslays of Deor, near Sattara, who are said originally to have come from Hingumburdee, near Poona, and from whom the Rajahs of Nagpore are descended, are generally supposed to have been connected with the Sattara house, but the relationship has never been established.

Grant Duff, Vol. I., pages 379 and 519 and note.

The authentic records of the Sattara house commence with

I.—*Kellojee*; he is said to have lived at Verole (Ellora), near Dowlatabad: Captain Grant Duff calls him Babjee, which may have been his nickname. The Sattara and Tanjore pedigrees and the popular Mahratta "Buckers," or Chronicles, agree in calling him Kellojee.

*Ibid*, page 88.

II.—*Mallojee* must have been by birth a man of some consequence, as he was Commander of a party of his own Horse when entertained as a youth by Mortiza Nizam Shah. He was patronized by Lokhjee Jadhon, at that time the most powerful Hindoo Chief in the Deccan, and managed to

Grant Duff, Vol. I., page 89.

marry his son to Lokhjee's daughter by a stratagem described by Grant Duff, Volume I., page 90. He built the great tank at Mahadeo, near Phultun, which must have cost many lakhs of Rupees; and before his death had a command of 5,000 Horse, the title of "Rajah" from the Kings of Ahmednuggur, and was placed in charge of the important Ports of Sewnere, with the Poona and Soopa Pergunnabs in jagheer. His marriage too with the sister of Wungojoe, or Jugpal Rao, Naik Nimbalkur of Phultun, one of the most distinguished Mahratta Chieftains of his day, is evidence that Mallojee's family was already considered not only respectable, but of some consequence in the Deccan.

III.—*Shahjee* succeeded his father in his jagheers and distinguished himself in a great battle between the Troops of the King of Ahmednuggur, under Mullick Umber, and the Imperial Mogul Army, A. D. 1620. Finding the Ahmednuggur power on the wane, he transferred his allegiance to the Emperor, received a command of 6,000 Horse with additional jagheers, about A. D. 1629; but, disgusted by the treatment he received from the Imperial Court, he went over to the King of Beejapoor, A. D. 1632, and, after doing that State good service, assumed the regency of the Ahmednuggur Kingdom during the minority of one of the last of its Princes.

In 1636 he was of sufficient importance to have on his account a special Article inserted in a Treaty of Peace between the Emperor of Delhi and King of Beejapoor, by which they divided the Ahmednuggur Territory between them. *Shahjee* was, by this Article, promised pardon if he submitted, but declared the common enemy of both the Emperor and King should he refuse compliance: he chose the former alternative, A. D. 1637, and was allowed to place himself in the service of the King of Beejapoor.

He appears to have greatly distinguished himself in the settlement of the districts which Beejapoor acquired by this Treaty, and was shortly after sent as 2nd in command of an army for the invasion of the Carnatic, where the jagheers he acquired as his own share of the country he subdued formed the foundation of the Kingdom of Tanjore.

The rebellion of his son, the famous Sivajee, was supposed to have taken place with his connivance, and in 1649 he was seized by treachery in the midst of his Carnatic conquests, sent prisoner to Beejapoor, and there threatened with being built up alive in a cell unless his son submitted.

This Sivajee offered to do, making good terms for himself and obtaining his parent's enlargement from close custody, though he was still kept under surveillance at Beejapoor, till the increase of disturbances in the Carnatic induced the King to release him and send him thither (A. D. 1653). In the course of these operations he lost his son, Sumbajee, killed before Kaingeree, but appears to have more than regained the ground which had been lost during his absence. In 1662 he returned to Beejapoor, mediated between the Government and his son, Sivajee, who was then again in rebellion, and after a visit to him among the Ghauts, induced him to submit, returned to Beejapoor, and died near Bednoor from a fall out hunting, A. D. 1664, leaving Sivajee holder of far more than he himself had inherited near the Western Ghauts in the Mahratta Country, and his other son, Venkajee, in possession of the large jagheers he had himself acquired about Tanjore and in the Carnatic, in which he had been confirmed by the King of Beejapoor.

With regard to his wives the pedigree follows Grant Duff. The Sattara records state that Shahjee's second wife, the mother of Venkajee and ancestress of the Tanjore house, was of the family of Ghatgey.

IV.—*Sivajee*, born in the Fort of Sewnere, May 1627, and brought up chiefly by his mother. His first act in setting up for himself was the seizure of the hill fort of Torna, A. D. 1646, but he managed to lull the suspicions of the Beejapoor Government: for some years subsequent, and a year or two after, on the death of the Manager of his father's jagheer, he took it into his own hands; his father was then in the Carnatic, and, as he stated, quite ignorant of his son's proceedings.

He had become master of the greater part of the strong country between Joonere and Kolapoor before the alarm of the Beejapoor Go-



vernment was fully excited, and his father was seized (1649) with a view to coerce his son.

By making interest with the Emperor, Shah Jehan, Sivajee managed to procure his father's release without sacrificing many of the solid advantages he had acquired.

From this time till Aurungzebe had completed his usurpation and settled himself in his kingdom Sivajee appears to have been very impartial in his encroachments at one time on Beejapoor, at another on the Imperial Districts of Joonere, Nuggur, &c., yet carefully avoiding an irreparable breach with either Power, following up the most audacious acts of plunder with apologies and applications for pardon, and profiting by the jealousy of both parties, making each believe that he was likely to prove an useful auxiliary against the other. In this way he extended his possessions, amassed vast riches, and accustomed the people to look on him as their head in what they began to regard as an established national system of plundering their Mahomedan rulers.

At length, 1659, the Beejapoor Government became sensible of the necessity of subduing him; and an army was sent against him under Afzool Khan, whom Sivajee enticed to an interview near Pertabgurh, and there treacherously murdered him with a "Wagnuck" and defeated his troops.

He was now in open rebellion, and another larger Force was sent against him; but the Beejapoor Government was threatened in other quarters, and after two campaigns, in which he was on the whole a gainer, he was reconciled to the Beejapoor Government probably by the instrumentality of his father, and continued ostensibly on good terms with them till his father's death.

Sivajee then turned his arms northwards against the Imperial Districts, and advanced as far as Surat, which he plundered (January 5th 1664), and, on his return to Raigurh, hearing of the death of his father, assumed the title of Rajah and coined money in his own name.

This act and the plunder of some Mecca pilgrims at length aroused  
1665. Aurungzebe, who sent against Sivajee a strong  
Force under his two best Generals, Jey Singh and

Delare Khan ; they at last reduced Sivajee to the necessity of making his submission to the Emperor, who thereupon confirmed him in a considerable part of his possessions as jagheer.

He then assisted Aurungzebe's Forces against Beejapoor, and in 1666. 1666 repaired to Delhi to pay his respects to the Emperor. He was at first coldly received, and ultimately imprisoned, but escaped in a sweetmeat basket, and, at the close of the year, reached his stronghold at Raigurh in safety.

In the course of the two following years he recovered much of the ground he had lost, partly by force and partly by grants from Aurungzebe, which are only to be explained on the supposition that he wished again to conciliate Sivajee and draw him into his power.

Two years more were spent chiefly in arranging the internal government of his acquisitions, and in 1670 Sivajee was again in open rebellion, recovered those hill forts which the Emperor had retained in his own hands as a check on the Mahrattas ; and, a second time turning northward, plundered Surat, and in that and the following year laid the Northern Concan and Kandeish under contribution, while his ravages eastward extended as far as Golconda.

In 1673 he pressed the now tottering State of Beejapoor, and 1674. after a series of successes he formally declared his independence, assumed the ensigns of royalty, and had himself enthroned at Raigurh on the 6th June 1674, which thenceforward was to constitute the commencement of his new era.

In 1675 the Mahrattas for the first time crossed the Nerbudda, and during a severe illness at Sattara in 1676, Sivajee planned the most extensive of his expeditions into the Carnatic, which he executed during the two succeeding years ; and having just completed an Agreement, whereby he was to receive, as the price of alliance with Beejapoor, the cession of the sovereignty over his father's and his own acquisitions in the Carnatic, he was taken ill and died at Raigurh on the 5th April 1680.

The Sattara records state that Suhjee Baee, Sivajee's first wife, was of the house of Mohitey. The pedigree follows Grant Duff in making her of the family of Nimbalkur. The cause of this and of several other discrepancies is thus stated by Grant Duff:—

Volume I., page 122.

Volume II., page 340.

“During the time of Ballajee Bajee Row it had been artfully contrived that there were only a few families, old, but of no power, with whom the Rajah of the Mahrattas could intermarry. To this day the Rajah of Sattara would think himself degraded by a marriage with the daughter of Nimbalkur and of Jadow, although from them Sivajee was descended in the maternal line. This artifice, which may have been managed by bribing the Oopadeas and Shastrees, explains the reason why it is scarcely known that Sheo was married, in Aurungzebe's Camp, to a daughter of Scindiah, of Kunneir Kheir.

“Records of facts, except receipts and accounts in their own favor, would often have proved inconvenient to faithless, shifting, time-serving Brahmins; but it is not improbable that their prejudice against all other historical records may originate in causes of very remote date connected with the foundation of their religious institutions.”

V.—*Venkajee* was always employed with his father, Shahjee, in the Carnatic, and accompanied him on his visit to Sivajee among the Ghauts in 1662; after which he seems to have returned to the Carnatic, where he was when Sivajee overran it in 1677. In this expedition one of Sivajee's professed objects was to claim his share of his father's property from his half-brother, Venkajee: the latter was at first prepared to resist by force, but ultimately visited his brother; he, however, denied the right of the latter to any share in their property in the Carnatic. Sivajee at one time contemplated confining him till he gave up half the jagheers and personal property, but ultimately gave up the idea as “inconsistent with his own character as a brother and a prince,” and allowed Venkajee to return to Tanjore; he, however, overran and laid under contribution all the jagheers which his father had held in Mysore. At this time Sivajee grounded his claim to half his father's property in the Carnatic on the assertion that it was not

Grant Duff, Volume I.,  
page 281.

mere territory, but his inheritance (Wuttun), which he was in honor bound not to abandon.

In 1678, after Sivajee had returned northwards, Venkajee attacked the troops his brother had left in the Carnatic, and was repulsed with great loss. On hearing of this Sivajee wrote him a long and very sensible letter, pointing out the folly of discord and the necessity of union, and offering peace on condition of Venkajee giving up to him the whole of their father's possessions in the Carnatic; ultimately an arrangement was made, whereby Venkajee agreed to pay down a considerable sum, to divide their father's jewels, and share the revenue of his Carnatic Territory. Sivajee then allowed him to retain Tanjore, and gave him back the Mysore jagheers.

Just previous to his death in 1680 Sivajee had exacted from the Beejapoor Government, as the price of his alliance, the cession of all claims of sovereignty over the Carnatic and Tanjore Districts; this decided supremacy, thus acquired by his brother, so mortified Venkajee, that he neglected his affairs and gave himself up to melancholy, which drew from Sivajee "a letter full of energy and good sense," one of the last he ever dictated.

*Ibid*, page 291.

On Sivajee's death Venkajee withheld all share or tribute from his nephew, Sumbajee, and in 1687 an expedition was planned by the latter to enforce his claims, but it seems to have been unsuccessful.

Page 349.

From this time there does not appear to have been much connection kept up between the States of Tanjore and Sattara: the territory of the former is stated to have been laid under contribution by the Emperor's Army in 1696, from which it may be inferred that Venkajee's son, then on the Tanjore musnud, was co-operating with his Sattara countrymen against Aurungzebe.

Page 382.

From the death of Tookajee, Venkajee's son, the real power of the State appears to have been vested in a Mahomedan Officer, who commanded the Fort of Tanjore up to about 1741; but of the subsequent

history of Tanjore little is to be gleaned from the Sattara records, or published histories of the Mahratta State.

VI.—*Sumbajee*. On Sivajee's submission to the Mogul Emperor,

*Ibid*, 209.

A. D. 1665, Sumbajee, then a boy 8 years old, was appointed by the Emperor to a Munsub of 5,000 Horse. In 1679 Sumbajee, who had been placed under restraint by his father on account of some youthful irregularities, fled to the Moguls, with whom his father was then engaged in hostilities, as a partizan of the Beejapoor Government. Delare Khan, the Emperor's General, proposed to set up Sumbajee as head of a party in opposition to his father, but the Emperor Aurungzebe, fearing by such measures to strengthen predatory power in the Deccan, ordered him to be sent prisoner to Delhi, but Delare Khan appears to have connived at his escape, and he returned to his father, by whom he was restricted to the Fort of Punalla up to the day of Sivajee's death, 5th April 1680. Soyera Bace, stepmother to Sumbajee and mother of Rajaram, was, with Sivajee, at the time of his death, in the Fort of Raigurh, and laid a plan with Sivajee's principal Ministers

*Ibid*, page 301.

to conceal that event till Sumbajee had been secured in Punalla, and her own son, Rajaram, placed on the throne. The attempt to secure Sumbajee failed, and he prepared to defend himself in Punalla, but Rajaram was formally placed on the throne in May, and affairs were conducted in his name; dissension, however, broke out among his Ministers, and Sumbajee, acting with vigour, marched on Raigurh and got possession of it in June.

He behaved with great cruelty to his late opponents, imprisoned Rajaram, and put to death Soyera Bace and her principal supporters: this act exasperated her powerful relations, and was the cause of fresh conspiracies, which were not put down till Sumbajee had executed several Officers of note, and, among others, Annajee Duttoo Punt Sucheo.

The execution of this man, a Brahmin and gallant supporter of Sivajee's, greatly increased Sumbajee's unpopularity. From this time, while Aurungzebe was making vast preparations for subduing the Deccan, and even after he had reduced Beejapoor and Golconda, Sumbajee did little to oppose his progress; he would occasionally act with vigour

and courage, but more often wasted his strength in ill-concerted expeditions against the Khan of Jinjeera and the Portuguese. Latterly he sunk into habits of gross sensuality, and was ultimately seized, while in a state of intoxication, by a party of Mogul troops at Sungumeshwur, A. D. 1689, and in the beginning of August in that year he was publicly tortured and executed by Aurungzebe at Tolapoor.

*Ibid*, page 361.

VII.—*Rajaram*. His early history has been already narrated. On Sumbajee's death it was resolved by the Chiefs assembled at Raigurh to declare Rajaram regent during the minority of Sumbajee's son, Sivajee, better known as Shahoo, who not long after was, with his mother, taken prisoner by the Moguls. It was impossible at the time to oppose the Moguls by force in the field with any chance of success, and it was with great difficulty that Rajaram escaped in disguise to Jinjee, in the Carnatic: here he organized a fresh Court, and was formally seated on the throne, A. D. 1690.

*Ibid*, page 371, note.

On this circumstance Captain Grant observes—“Some of the Mahrattas, jealous of the right of the elder branch, do not admit that Rajaram ever sat on the throne; they say he sat on the guddee, or cushiver, merely as regent, holding the powers of the State in trust for his nephew, Shahoo, then a prisoner in the Mogul Camp.” Meantime Rajaram's Officers maintained a desultory warfare in the Mahratta country. After a protracted resistance Jinjee was taken in 1698, but Rajaram had previously escaped, and, returning to the Deccan, plundered Kandeish and Gunghaterry; but after an illness brought on by over-exertion in one of these expeditions, he died at Singhar, March 1700, a month before the capture of Sattara, then besieged by Aurungzebe in person.

VIII.—*Tarra Bace*, his elder widow, immediately proclaimed her own son, Sivajee, and imprisoned her husband's other widow, Rajis Bace, with her son, Sumbajee. She was an active and ambitious woman, and was well seconded by numerous able Chiefs, who acted independently with the common object of plundering the Moguls. Guzerat, Kandeish, Malwa, and Berar were all overrun and laid under contribution, and, as the Emperor returned northward, many of the forts he had reduced with great difficulty were re-taken by the Mahrattas; and, after Aurungzebe's

death in 1707, the only expedient which appeared to his successor to hold out a prospect of reducing the Mahrattas to obedience was to release Shahoo and promise him a confirmation of Sivajee's kingdom, with extensive additions, should he establish his power and remain faithful to the Emperor.

*Ibid*, page 416.

IX.—*Shahoo*. Tarra Bacc at first treated Shahoo as an impostor, but he gradually gained ground and soon established himself at Sattara. Here, chiefly by the ability of Ballajee Wishwanath, the ancestor of the Peishwas, he gradually extended his power, and Tarra Bacc having been imprisoned at Kolapoor, which she had made her Head Quarters, Shahoo's Generals prosecuted their enterprizes without interruption against the distracted empire of the Moguls.

On Tarra Bacc's deposition Sumbajee, the son of Rajaram by his youngest widow, was placed on the throne of Kolapoor, 1712: after a long reign he died, childless, in 1760, the last of the lineal descendants of Sivajee; and two years after his death his widow, Ieejee Bacc, adopted as her husband's heir.

Grant Duff, Volume II., 337.

X.—*Sivajee*, the son of Shahjee Bhonslay, Patel of Kanwut, in the District of Indapoor, descended from one of the seven sons of Vittojee, the granduncle of the great Sivajee; the grandson of the boy thus adopted is now on the throne of Kolapoor.

Shahoo, bred up in the indolence of a Mogul Court, was easily persuaded to leave all affairs to his able Minister, and for some years before his death was almost in a state of imbecility: just previous to his death in 1749 he adopted a son, Ram Rajee, the grandson of Tarra Bacc. This prince, born after the death of his father in 1712, had been reared in such obscurity, that his existence was unknown to all save his grandmother. About the same time Shahoo gave the Peishwa a Deed, bestowing on him the whole management of the Mahratta Empire on condition of his maintaining the dignity of the house of Sivajee in the person of the grandson of Tarra Bacc and his descendants.

Grant Duff, Volume II., page 35.

The paper also directed that Kolapoor should always be considered an independent sovereignty. As far back as 26th April 1731 a Partition Treaty had been executed between the two kingdoms, in which the Warna River was fixed on as the common boundary.

Colonel Brigg's letter to Government, No. 1, of the 1st January 1827.

XI.—*Ram Raja* was ill calculated to regain what his adopted father had given up. It at one time suited the Peishwas' policy to throw doubts on his legitimacy, though the evidence seems, on the whole, strong in favor of it; but confinement and an education in obscurity had utterly destroyed his spirit, and even the energy of his grandmother could make nothing of him as an instrument to head a party. He died 12th December 1777, having, a short time before his death, adopted Abba Sahib, the son of Trimluckjee Bhonslay, Patel of Wawee, descended from Vittojee, great-uncle of Sivajee: this adopted son was formally enthroned under the title of

XII.—*Shahoo Maharaj II.* This Prince was always kept a complete prisoner; he made a feeble attempt at revolt in 1798, but though some of his adherents, headed by his brother, Chutter Singh, made a gallant resistance, they were quickly defeated by the Peishwas' troops and the Rajah imprisoned with greater severity than before: he died a prisoner, and was succeeded by his son.

XIII.—*Prutab Singh*, who was kept a close prisoner by the Peishwa, Bajee Row. At the breaking out of the last Mahratta war, Bajee Row took particular pains to secure the person of the Rajah, his two brothers, and his mother, and gave orders that they should be put to death rather than fall into the hands of the British. Sattara having been taken, a Manifesto, dated 11th February 1818, was published by Mr. Elphinstone in the name of the British Government, detailing the causes of the war and declaring the determination of the British to take possession of all the Mahratta Territory, except a small tract, to be reserved for the Rajah of Sattara. The Rajah and his family were captured after the action of Ashteh, 20th February 1818, and on 11th April he was formally enthroned by the Commissioner. On the 25th September 1819 a Treaty was concluded between the British Government and the Rajah, ceding

Grant Duff, III., 483.



to him, his heirs and successors, in perpetual sovereignty, the districts he has since possessed, binding him to hold his territory in subordinate co-operation to the British Government, not to increase nor diminish his Military Force without its sanction, and, as a fundamental condition, to abstain from all intercourse with persons not his own subjects, excepting through the Resident at his Court; the British Government charging itself with defence of his territory against external aggression.

The Rajah, having violated this Treaty, was deposed 1839, and died at Benares 1847, leaving no male issue, but one daughter, and having, it is said, adopted, a few years before his death, the son of Bulwunt Singh Bhonslay, better known as Balla Sahib Senaputtee, his first cousin by birth.

His next brother having died, without issue, in 1821, the third brother,

XIV.—*Shahjee*, alias Appa Sahib, succeeded on his brother's deposition in 1839, and has just died, April 5th 1848, leaving no issue, but having, previous to his death, adopted Venkut Rao Bhonslay, of the family of Shedgaon, descended from one of the seven sons of Vittojee, the great-uncle of Sivajee, who, through the Wawee branch, was the ancestor, by blood, in the same degree, of the Rajah himself.

(Sd.) H. B. E. FRERE,  
*Resident at Sattra.*

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Copy of a letter from A. MALET, Esq., Chief Secretary to Government of Bombay, to H. M. ELLIOT, Esq., Secretary to Government of India,—(No. 65-165, dated the 20th May 1848.)

IN continuation of my letters, dated the 7th, 19th, and 25th ultimo, Nos. 64, 70, and 76, I am directed by

1. Minute by the Hon'ble the (late) Governor, dated the 12th April 1848.

2. Minute by the Hon'ble Mr. Reid, dated the 25th April 1848.

3. Minute by the Hon'ble Mr. Willoughby, dated the 14th May 1848.

the Right Hon'ble the Governor in Council to transmit to you, for submission to the Right Hon'ble the Governor General of India in Council, copies of the Minutes recorded, as per margin, by the Hon'ble the (late) Governor and the Hon'ble Messrs. Reid and Willoughby, containing an exposition of the different lines

of policy which they deem it expedient should be pursued consequent on the death, without issue, of His Highness the late Rajah of Sattara.

2. I am at the same time directed to forward to you, for the information of the Right Hon'ble the Governor General in Council, copy of a Minute, recorded on the 18th instant, by the Right Hon'ble the Governor, explaining the reasons which have induced His Lordship to defer the expression of his sentiments upon the present question.

3. Copies of these Minutes will be forwarded to the Hon'ble the Secret Committee by this day's Overland Mail.

Copy of a Minute by the Hon'ble the Governor,—(dated the 12th April 1848.)

THE death of the Rajah of Sattara on the 5th instant gives rise to a question regarding the succession to that Principality.

2. Having been for some days previously anticipating the early demise of the Rajah, I had personally given directions to the Resident, Mr. Frere, who was then in attendance on me, to be prompt, when it did occur, in requiring the Ministers to carry on the Administration under his superintendence, and all dependent Chiefs to be vigilant to preserve order in their domains. Mr. Frere was also instructed by me to abstain from recognizing any adoption by means of which the childless Rajah might desire to perpetuate the sovereignty, assigning to the Rajah, or, after his death, to the Ministers, as his reason for withholding consent the absence of the sanction of the British Government.

3. On the 1st instant, in his conversation with the Resident, the Rajah first manifested his intention of adopting an heir to his throne: Mr. Frere on that occasion did all that was proper for him to do in order to divert the Rajah from having recourse to such a measure without the sanction of the British Government. There had been for some time an evident inclination on the Rajah's part to adopt a child, towards whom he showed great fondness: this child was a foundling, and not of his own blood; but he had met with no encouragement from this Government, or from the Resident, to a proposition, officially made last year, to

confer an excessive grant in land and money on this child, and for our guarantee of such grant; he thus, I think, perceived that it would be futile to attempt the adoption of the child, Bulwunt Rao, and thenceforth was prompted by the Brahmins and by his own good sense to abandon that wish, and to seek among the several branches of his house the most eligible scion for adoption. It is apparent from Mr. Frere's report of circumstances, that, had the Rajah survived some days longer, the selection might have fallen on some other child than the one now chosen; but it is equally clear that he would not have adopted any one from the Kolapoor Raj, or from the Wawee branch of the family: besides these there were seven uncontaminated branches of his Bhonslay blood, and the circumstance of the child now adopted being at Sattara, and thus available for the necessary ceremonies, seems to have determined the selection, which was made only a few hours before the Rajah breathed his last, but while he was in perfect possession of his senses, and the Surgeon of the Residency, Dr. Murray, attending on him.

4. This adoption having taken place according to Hindoo usage, there can be no doubt but that such adopted son is the late Rajah's legal heir, and should succeed to all his personal property. The question, however, remains whether he is entitled to the sovereignty of the Sattara State.

5. During the last century, and until the usurpation of their authority by the Peishwas, the Sattara Rajahs were in a position so entirely independent of any Paramount Power as to adopt and so to devolve the inheritance of their kingdom without the formality of any superior sanction; it is necessary, therefore, to consider how far the existing sovereignty differs from that of former times.

6. The downfall of the Peishwas put an end to the empire of Sivajee, whose representative, the powerless pageant monarch of Sattara, was emancipated and restored to real sovereignty by the British Government, whose Treaty with Sattara of the 25th September 1819 is one of "perpetual friendship and alliance between the Hon'ble the East India Company and His Highness, his heirs and successors."

7. To judge from the expressions of "perpetual friendship" to a man, "his heirs and successors," these ordinarily seem to mean a sove-

reignty which should not lapse for want of heirs so long as there is any one who can succeed according to the usages of the people to whom the Treaty refers: the lad now adopted by the Rajah is such a successor.

8. The terms used in the Mahratta and in the Persian versions of the Treaty to correspond with "heirs or successors" are still more explicit and ample: these are, "Furjund, wu Warisan, wu Kaim Mukaman," that is, "progeny, heirs, and representatives;" the last word meaning literally "occupants of the place."

9. The sanction of the Paramount State is by custom required to render an adoption to a Principality valid. In the time of our predecessors this was a source of profit to the treasury. We require its observance for the better purpose of averting the dissensions and bloodshed that would otherwise ensue from the vindication of rival pretensions. Can we here without injustice exercise that right of sanction to the extent of prohibiting adoption? And, if this be answered in the negative, is the exercise of that right now required in order to support any other claim in preference to that of this adopted son?

10. The Treaty states that the British Government "determined, in consideration of the antiquity of the house of His Highness the Rajah of Sattara, to invest him with a sovereignty sufficient for the maintenance of his family in comfort and dignity; and the Rajah engages for himself, his heirs and successors," to hold the territory in subordinate co-operation with the British Government; and "subordinate co-operation" is explained in the Treaty to mean that the British Government shall protect the Rajah from external aggression; that the Rajah shall not correspond with foreign potentates, &c., &c.

11. There are many instances of States held subordinate to another in all external relations, the duration of whose sovereignty it is never supposed could be justly terminated by the superior State in default of direct heirs.

12. The present Chairman of the Hon'ble the Court of Directors in a Minute of dissent from the decision of the Court, dated 1st April 1840, (*vide* Parliamentary papers, Rajah of Sattara, Part II., 14th August

1843, House of Commons) in reference to the anticipation by the Government of Bombay that this Principality might escheat, observes—“Admitting too that the Rajah was guilty of an infraction of the Treaty, it does not follow that it was such as to cause his blood to be attainted. If the Rajah should have no legitimate issue, it was competent to him to adopt, and his heir might be perfectly innocent and be justly entitled to the inheritance under the Treaty. The Government of Bombay seem, indeed, to anticipate that the Principality may escheat at no distant period to our Government by the demise of Appa Sahib, but the Principality is hereditary, and should the Rajah leave no issue or natural heirs, he may adopt; and adoption with a Hindoo is not only a right, but a duty. I have the highest authority for stating that, even in the case of a fief or dependency, a legal adoption cannot be barred by the Government or Lord Paramount.”

13. In the instance of Scindiah's throne, the terms guaranteeing succession were similar. In 1827, when Dowlut Row Scindiah died without an heir, or without even any testamentary declaration as to his successor, it was permitted to his widow, in concurrence with the advice of the British representative, to adopt a child, and an Article was executed on the part of Baiza Bae as regent, confirming the former friendship of the two States and recognizing the adopted child under the title of Junkojee Rao as the legitimate sovereign of the late Maharajah's dominions.

14. We have by the same means sanctioned the perpetuation of Holkar's dominions.

15. In the case of the territory of Angria, which has lapsed for failure of heirs, the British Government in the Treaty of July 1822, Article 4, especially reserved to itself “the right of conferring investiture on the Chief of Colaba on any vacancy of musnud;” but in this case it was the hope of a posthumous male child, which alone prevented the Chief's adoption of a son; and as a child was born and placed on the guddee, a subsequent adoption by the widows of his father was not permitted.

16. Since 1819 the British Government has permitted adoptions in the jagheers of the Punt Sucheo, the Puut Pritinidy, the Nimbalkur of Phultun, and the Dufflay of Juth: these Chiefs rank only as jagheerdars,

though separate Treaties were concluded with each when we took the country ; but I know of no reason which could have been urged for permitting adoption in their cases which would not apply with much greater force in the present instance.

17. If it be inconsistent with justice to refuse confirmation to the act of adoption, it is useless to enquire whether it is better for the interests of the people or of the empire at large to govern the Sattara Territories through the medium of a Native Rajah, or by means of our own Administration.

18. It is, however, a question of more than speculative interest whether the policy which guided Mr. Elphinstone in 1818 can be said to have failed. In deciding this question, we should look, not to the trouble occasioned to the Government of India by the agitation on behalf of the Ex-Rajah, but to the degree in which the existence of Sattara as a separate State has promoted the internal security of this part of the Deccan. Unquestionably a Native Government conducted as that of Sattara has for some time been is a source of strength to the British Government.

19. I believe there can be no doubt as to the regularity of the adoption according to the Hindoo Law and Mahratta usage. Since the time of Sivajee there have been two adoptions in the Sattara family : Ram Raja was adopted in 1750 by Shahoo Maharajah from the house of Kolapoor, descended from their common ancestor, Sivajee. On the death of Ram Raja in 1779, he was succeeded by his adopted son, Shahoo Maharajah the II., the father of the Rajah just deceased : he was of the house of Wawee, which stood in exactly the same relation to Sivajee as the house of Shedgaon, to which the boy now adopted belongs.

20. During the same period there has been one adoption in the kindred house of Kolapoor, Sumbajee, the grandson of Sivajee, having adopted, in 1762, a son from the house of Kunwut, which stood in the same relation to Sivajee as the houses of Wawee and Shedgaon.

21. In the house of Tanjore there has been at least one adoption : this house is descended from the half-brother of Sivajee, and the father

of the present Rajah of Tanjore was adopted out of the Jintee family, which stood in the same relation to Sivajee and his half-brother as the houses of Kunwut, Wawee, and Shedgaon. These four houses, together with those of Mongy, Oodhut, and Kulus, trace their descent from seven brothers, children of Vittojee Bhonslay, who was brother to Mallojee, the grandfather of Sivajee.

22. As regards rival claimants to succeed to the throne of Sattara, it may be safer to leave each claimant to bring forward his own case, but in the last memorandum he submitted to the British Government just before his death the Rajah specially objected to two possible claimants, *viz.*, the brother of the Rajah of Kolapoor and the child adopted by the late Ex-Rajah at Benares.

23. As regards any Kolapoor claims, the Partition Treaty of the 26th April 1731 appears to bar any pretension which the house of Kolapoor might have other than that of being eligible for adoption.

24. As regards the claims of the Ex-Rajah's adopted son, it is to be observed that nothing can possibly be urged on his behalf which might not be stated with far greater force in behalf of his adoption by the late Rajah.

25. The late Rajah died in possession of the throne, to which the Treaty of 1839 have given him all the claims which his brother could ever have possessed: even those who question the justice of the Ex-Rajah's deposition must admit that the title of the late Rajah to the throne was at the time of his death without flaw, and that, had he left a natural heir, the succession of that heir could not, on any principle of justice, have been opposed. An adopted son stands precisely in the same relation as the natural heir, and whatever right the Ex-Rajah may have had to adopt, the same must be conceded to his brother, who died on the throne. Whatever may be the supposed wrongs of the Ex-Rajah, it would be a strange mode of reparation to right them by disinheriting the lawfully adopted heir of his brother, who, up to the day of his death, was the unvarying loyal ally of his British patrons. It is not necessary to suppose, as apprehended by the Rajah, that the advent of the adopted son of the Ex-Rajah would be the death of all the present Royal family,

but there can be no question as to the lamentable effects that would follow such a counter-revolution.

26. In a matter such as this question of resumption of a territory recovered by us and restored to an ancient dynasty, I would observe that we are morally bound to give some consideration to the sense in which we induced or permitted the other party to understand the terms of a mutual Agreement. Whatever we intend in favor of an ally in perpetuity when executing a Treaty with him on that basis, by that we ought to abide in our relations with his successor until he proves himself unworthy. We should look for escheats, not from such a source as the doubtful meaning of the stipulation of an Agreement, but from the incorrigible misconduct of allies when thrown back, as they should be, on the responsibilities of the sovereign rights relinquished to them, rendering punishment in such cases signal and salutary by abstaining from half measures, such as largely pensioning or managing for the delinquent, or substituting his child, wife, or Minister.

27. I am sensible that, geographically considered, this territory would seem to be a connecting link between our Deccan and S. M. Country, and that it is highly important, therefore, that we should have a firm hold of it; but I would prefer to maintain this hold by means of the all-powerful influence derivable from a scrupulous adherence to the letter and the spirit of our Treaties.

28. Ambiguity is the characteristic of most of our Treaties in this country, occasioned for the most part by the reliance of able Vakeels on their talents to turn ambiguous expressions to good account; but, if we allow ourselves on such occasions to be over-reached, we deserve in after-times to pay the penalty. In the present instance the terms and intention of the Treaty appear to me to be remarkably distinct and perspicuous; should any doubt, however, be entertained, Mr. Elphinstone and Captain Grant Duff, under whose directions it was drawn, could be referred to as to their understanding of the words at the time the Treaty was concluded.

29. Our views and our practice in India in regard to adoptions to Chiefships have been inconsistent and capricious; we have no



Hindoo laws to guide us in such cases: it will, therefore, be convenient for us and acceptable to the people if the determination of the present question should lead to the declaration of fixed principles for the regulation, under the authority of the British Government, of successions in default of heirs.

30. The accompanying Genealogical Tree exhibits the Sattara family, past and present.

(Sd.) G. CLERK.

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Copy of a Minute by the HON'BLE MR. REID,—(dated the 25th April 1848.)

I FEEL assured that the Government of India and the Home Authorities will entirely approve of our Hon'ble President's proceedings on the occasion of the lamented demise of the late Rajah Shahjee of Sattara.

2. The question of the disposal of the Principality on this Prince's having left no issue is one of great moment; the Hon'ble the President thinks that the British Government must confirm the adoption made by His Highness, immediately before his death, of a son from the cogerate house of Shedgaon, and allow that son to succeed to the kingdom.

3. In my view the question is one to be decided purely on grounds of expediency. I cannot recognize any indefeasible right in a son whose adoption has not been sanctioned by the Paramount Power to succeed; that sanction is as much necessary to render such an adoption valid, as is any other form which the usage of the country or the religious law of the party may prescribe.

4. A right to grant implies a right to withhold such sanction; no one can, I presume, deny the claim of the British Government to be the Lord Paramount throughout India, and least of all throughout the country formerly under the rule of the Mahrattas. This Paramount Power is still less to be questioned in the present instance, since we our-

selves created the subordinate sovereignty, the disposal of which is now under consideration.

5. The terms of the Treaty of 1819 convey the ceded territory to the Rajah, his "heirs and successors." Of the words used in the Mahratta and Persian versions, "Furjund, Warisan, wu Kaim Mukaman, the first, "Furjund," means, in Persian, a child, whether male or female; it is scarcely adopted into the Mahratta language, and where it is so, not always in its true sense, as in some part of the Mahratta territory it means a slave born in a Prince's family: the second, "Warisan," is an Arabic word, meaning generally heirs, and is much used in Mahratta: the third, Kaim Mukam, is Arabic, meaning a Vicegerent or Lieutenant, and what is intended by the introduction of such a word, which, I believe, is unknown as having any definite meaning throughout the Mahratta territory, I am at a loss to discover; probably there was a difficulty in translating the word "successors" in the English Treaty, and this was meant to represent it. I consider the translation anything but felicitous, and the terms used, especially in a document having reference to a Hindoo family, indefinite and obscure.

6. There appears, however, to be no necessity for our looking beyond the English version, and in the present instance we need consider only the first term used, that of "heirs;" we can have no concern with a successor, who is not an heir.

7. Had Shahjee left male issue, there could have been no question of the entire right of such a son to succeed to the musnud. The Hon'ble the President appears to consider that an adopted son has the same right, and in this I should fully agree with him had that adoption received the sanction of the British Government. I cannot admit that such estates or fiefs are to be treated precisely as private property, and to follow strictly the law of succession which the code of the party prescribes. In these matters usage overrules, or adds to the law, and a deviation from such usage invalidates an adoption, so far as the State is concerned, as much as any deviation from the formalities required by the law. If, indeed, the sanction of the Paramount Power is not essential, and if without it the claim of an adopted son is perfect, what was the advantage of our declining to grant the late Rajah's request, and need-

lessly embittering his last moments by leaving the question of his sanction in doubt and uncertainty?

8. The President has quoted (paragraph 12), as in support of his opinion, the Minute of the late Chairman of the Hon'ble the Court of Directors on the occasion of the deposition of the Ex-Rajah in 1839. The views therein expressed are certainly not those acknowledged on this side of India, and they are moreover those of a gentleman in the minority on the question then before the Court, since otherwise the late Rajah Shahjee would never have been raised to the throne. I have been unable to procure the printed volume in which this Minute is to be found, but I presume it must contain Minutes of a different tendency and (judging from the result) of superior authority.

9. If a successor is to be admitted, I entirely concur with the Hon'ble the President in the opinion that he should be the son adopted in his last moments by His Highness Shahjee. Our Treaty of 1819 was with Purtab Singh, his heirs and successors: all his ancestry and those springing from them were passed by; no right was confirmed to them. The other branches of the family springing from Kellojee Babjee, the great-grandfather of Sivajee, and the first pedigree accompanying the Hon'ble the President's Minute, have no part in the settlement; they might, perhaps, claim the titular dignity of Rajah of Sattara, but they can have no pretension to the territorial sovereignty which was created in favor of Purtab Singh. By the arrangement of 1839 his brother was specially admitted to the benefit of that settlement, and the adopted son of the last recognized possessor of the throne must have a preferable right to that of the adopted son of the deposed Rajah or any other claimant.

10. I can consider it no valid argument that we ought to recognize this adoption because we have recognized others; what may have been the motives of the Government of India in recognizing those of Scindiah and Holkar, (who, moreover, were always more free and independent of our authority than the Sattara Rajahs have been,) we have no means of knowing. I have no doubt they were founded on the best and soundest policy: within our own Provinces we have sometimes sanctioned adoptions, sometimes declined to do so. Each case has been decided on

its own merits ; and this course should, in my opinion, be followed in the present case, and in all future cases which may arise.

11. To admit the right of adoption in all cases would be to vitiate our proceedings in numerous instances ; we should have to retrace our steps, to place an Angria on the gudgeon of that Principality, to review the State of Mandavee, and even to restore the jagheers of the Chiefs of the Southern Mahratta Country, which have lapsed to us in default of issue. I think we cannot too distinctly uphold the principle that no adoption by which subordinate States or property held by the State is affected can be valid without the sanction of the sovereign authority.

12. Whether it is expedient in this case to admit the adoption and the succession to the Sattara musnud is a question for the decision of the Highest Authorities. In favor of this course are the policy of conciliating the population of what formed the Mahratta Empire, the advantage of having a perfectly friendly and dependent State in the heart of our districts, whose power and influence can be made use of by us in the maintenance of internal tranquillity, and probably a conviction that, under the mild and excellent Government of the late Rajah, his country flourished in a degree with which our neighbouring districts cannot well sustain a comparison.

13. As to the effect on the Mahrattas as a nation, I believe that beyond the Sattara territory itself the continuance or extinction of dynasty would be viewed with perfect indifference. The good Government of the late Rajah necessarily endeared his own subjects to him, and they would doubtless feel the breaking up of his petty Court, the absence of employment among his retainers hitherto open to many of the higher families, and the substitution for the more loose and patriarchal system of Government under a Hindoo sovereign, of the definite and unbending laws of our Administration, which is far less palatable to Natives of India than that of well-conducted Native States under a mild and sensible Prince.

14. Whether the existence of the separate Government of Sattara has in any way contributed to the internal security of our Provinces is a question on which it is difficult to arrive at any very definite conclusion.

During the disturbances a few years ago in Kolapoor, we availed ourselves of the co-operation of Sattara, and that territory remained perfectly tranquil; but our districts of Belgaum and Dharwar, at a distance from Sattara and close to the scene of the disturbances, remained perfectly tranquil also: and I know of no grounds for believing that, had Sattara been a Province of the British Government, the result would have been in any respect different. No doubt, had the Rajah been of an intriguing disposition and actuated by unfriendly feelings, he might have caused annoyance secretly without subjecting himself to be called to account for breach of Treaty. The advantage or disadvantage, therefore, of having this Principality in the heart of our territory must greatly depend on the character and feelings of the reigning Prince.

15. I believe it will be universally admitted that the manner in which both their Highnesses, Purtab Singh and Shahjee, administered the internal affairs of the Sattara State was such as to hold them up as models to all Indian Princes.

16. The arguments in favor of enforcing our right to the lapse are founded on the position of this territory intervening between our Provinces of the Deccan and Southern Mahratta Country, thus separating our two large Military Stations of Poonah and Belgaum, and on the inexpediency of allowing so large a portion of the revenues of the country to be diverted from the purposes of the general Government, for which the resources now at its command are notoriously inadequate. We must be just before we are generous, just to the community at large before we are generous to an individual family. Our want of means prevents our doing justice to the country and improving it in the many ways of which it is capable; and it is a matter for serious consideration how far we should be justified in declining to avail ourselves of an opportunity by which those means may be legitimately augmented, and the public revenue of this Presidency may be brought more nearly to the standard of its expenditure.

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Copy of a Minute by the Hon'ble MR. WILLOUGHBY,—(dated the 14th May 1848.)

ON occasions like the present, when subjects of great importance are submitted for the Board's consideration, a Member of Govern-

ment experiences this difficulty: he must either record his opinion immediately, or, by detaining the papers under discussion for a considerable period, he must cause a delay in their transmission for the decision of the Supreme Authority.

2. I experience this difficulty in the present instance: a more important question than that of the continuance or extinction of the Sattara State has not arisen since I became a Member of this Government. It does not affect that State exclusively, but raises the general question of what is the right policy to be pursued towards any other Native State of India under similar circumstances; in other words, it raises the question whether, on failure of heirs natural, it is expedient to absorb them in the general sovereignty of the Anglo-Indian Empire, or to continue them by the Hindoo custom of adoption.

3. A question of this grave and comprehensive character can only be determined after much study and research and the most dispassionate consideration, and with a full knowledge of the prerogatives vested in the Governments we have succeeded. It requires also to be considered with reference to the marvellous and extraordinary course of events by which the British nation has become the undisputed Lord Paramount throughout India, and, what is of still more importance, with reference to the means best adapted for strengthening and consolidating British power in this country, not merely from motives of self-aggrandizement, but for the welfare and happiness of the millions who, under Providence, are now subjected to our rule.

4. It is not my intention at present to enter at length upon the discussion of this interesting topic. I am aware that our late Hon'ble President was anxious that the question now pending regarding the Sattara succession should be forwarded, with as little delay as possible, to the high Authorities, by whom alone it can be determined; of necessity, therefore, I must confine my remarks within as narrow a compass as I am able.

5. I shall first observe that on the general question my views are very much in accordance with those recorded by the Government of India in 1811, when the question of the Coloba succession was under

discussion. That Government was composed as stated in the margin, and, at all events, as far as related to the internal administration of India, was surpassed by no former Government in ability and zeal, and in an anxious and conscientious desire to promote the real interests of the Empire at large. On reference to the Minutes of Lord Auckland and his colleagues, it will be seen that they were unanimously of opinion that our policy should be "to persevere in the one clear and direct course of abandoning no just and honorable accession of territory or revenue, while all existing claims of right are at the same time scrupulously respected."

6. Or in the language of a former Member of this Government in advertence to the question of the Mandavee succession\*—"On the general question of taking these escheats when they fall in, I have even more confirmed opinions than when I last wrote on the subject: I would take nothing without the clearest right; I would strain no point to make out that right. But when the right clearly falls, I would unhesitatingly take the acquisition which the right gives, and upon this great view that we, in taking that which has justly and legally become our property, extend a dominion of just principles in which the great object is the good of the people, who have, in fact, become our subjects, I hold our Government for the good of the people, for the advancement of intelligence, to be incomparably better than the Government of any Native State, not only or chiefly in the immediate operation of our system, but in the great end that is ever in our view, and which our principles and our Administration must in time surely bring about."

7. I entirely concur in these sentiments: I am no advocate for the extinction of the Native States of India by violent and unjust means; when, however, they fairly lapse to us, as they would have done to the Government which preceded us, I would not, except under special circumstances, perpetuate them by adoption under what I conceive to be a groundless impression, that any accession of territory weakens, rather than strengthens, our authority in this country. Not only does the entire external defence of India devolve on the British Government, but in numerous instances we are bound to protect these Native States from

aggression from without and rebellion within ; we cannot escape from the obligation of our subsidiary alliances, but it cannot be denied they have produced great evils in the subsidized territory. The only check on despotism, "the wild justice of revenge," is destroyed, for, whatever may be the oppression and misrule in these States, all hope of effectual resistance is frustrated by the certainty of our ultimate interference. I am satisfied that the extension of British laws and institutions, tempered with a due regard to the customs and prejudices of the people of India, must benefit the masses, and I would therefore, in cases of fair lapse from want of natural heirs, exercise what I believe to be our undoubted prerogative, or that of refusing to recognize heirs by adoption.

8. With these preliminary remarks I now proceed to notice the two questions which arise consequent on the late Rajah of Sattara having died childless, namely, *1st*, whether His Highness had an inherent right to adopt, so as thereby to convey to the adopted son the right of succession to the Sattara State; and *2nd*, on the supposition that he did not possess such right, is it incumbent, or expedient, that the British Government should confer the right by confirming the adoption and continuing the Sattara State in favor of the child adopted? On both these questions differences of opinion may be expected; my own opinion is, that the late Rajah did not possess an inherent right of adoption so as to affect the succession, and that, taking all circumstances into consideration, it is not expedient that Government should confer the right.

9. On the first question it may be observed that the creation of the Sattara sovereignty in 1818-19 was an act of spontaneous liberality on the part of the British Government. It will not, I imagine, be disputed that at the close of the war we had as much right to retain the territory comprehended in that sovereignty as we had to retain any other portion of the territory which belonged to the Peishwa; our right was the strongest of all rights, or that derived from the successful termination of an unprovoked war. The Rajahs of Sattara had long antecedently become virtually extinct as rulers; they retained the title, but

none of the attributes, of power; they were mere puppets, "powerless\* pageant monarchs of Sattara," maintained by the Peishwa for political objects: we found them immured in a fort and in a prison, and we

\* Paragraph 6 of the Hon'ble Mr. Clerk's Minute.



placed them on certain conditions on a throne. To our generosity the late Rajah and his brother were indebted for the restoration of a portion of the territory which had formerly belonged to Sivajee, and of which they had long before been deprived by the Peishwa; whatever rights, therefore, they possessed must be looked for in the Treaty of 1819, under which the Sattara State was created, and not in what may have been the practice before the usurpation of their authority by the Peishwas. This Treaty conferred the sovereignty on the Rajah, his heirs and successors, but does not, in my judgment, confer a right on failure of heirs natural to create an heir by adoption. Admitting, however, the reverse for the sake of argument, to render such an adoption valid as far as relates to succession to the State according to the immemorial and almost universally admitted custom of India, the confirmation and sanction of the Paramount authority of India is essential.

10. The question of the right of the Princes and Chiefs to secure the succession to their estates by adoption has of late been much discussed, and I had occasion to allude to it at some length in my Minute\* of the 6th September last, on the dispute which has been lately settled

\* *Vide* paragraphs 15, 60, and 69, and notes to paragraphs 125 and 126 of that Minute.

between the Rajpoot Principalities of Edur and Ahmednuggur. I think it was there satisfactorily established that the "consent of the Suzerain or Lord Paramount is indispensable to the validity of an adoption involving succession to a Principality, Jagheer, Surinjam, or even Enams." In support of this position I cited proofs to show that this practice prevails throughout this Presidency, and, as far as I could ascertain, throughout India; it certainly prevails in the States of Gwalior, Indore, Bhopal, Nagpore, Mehidpoor, and in Bundelkhand and Rajpootana. My information is principally derived from a Report of Mr. Hart, Enam Commissioner in the Southern Mahratta Country, dated the 27th March 1847, in which is embodied the result of a reference on the subject to the different Residents of the Native States of India.

11. The practice prevailed at Sattara itself, and I am at a loss to conceive on what plea it can be contended that Sattara should now be exempted from the general rule. In 1819 it was the policy of the day to confer that sovereignty on a particular family, but in the absence of

any stipulation to the contrary, the gift cannot, in opposition to universal custom, be conveyed to another by adoption without the sanction of

\* Despatch from the Hon'ble Court of Directors on the Mandavee case, dated the 30th December 1842.

the power from whom the gift proceeded. In the language of the Hon'ble Court\* our sanction is requisite, "not, indeed, to the validity of the adoption or to the private rights which it confers, but to enable the adopted son to succeed to the Chiefship." Neither the adoption by the late Rajah of Sattara nor that by the Ex-Rajah of Sattara at Benares could convey political rights; it may be admitted that they possessed the right to adopt, but this can only affect the succession to private property. In support of this may be cited the celebrated case which occurred at Baroda in 1819: Radha Baee, the widow of Futteh Singh, Guicowar, was permitted to adopt, but her adopted son did not succeed to the musnud. The brother of the deceased Prince succeeded, and, after a reign of 22 years, was, a few months ago, succeeded by his eldest son. Radha Baee's adopted son was entitled to nothing beyond the private property of his adoptive parents.

12. In fact, the custom of the sanction of the Lord Paramount being essential to the validity of adoptions conveying sovereign and territorial rights is so ancient and extensive throughout India as to have the effect of law, and the reason of the custom is obvious. It was the practice of former Governments to make extensive grants of land, either hereditarily or for life, as the reward of good service or to favorites, at the caprice of the Prince; hence the enormous alienations of the public revenue which are found to exist in every part of India, the extent of which was alone checked by the power of resumption at the caprice of the Prince, or more frequently often on failure of heirs. The grant in the latter instance being sometimes continued on payment of a large nuzzerana or relief, we have invariably respected these alienations, except on failure of heirs, when resumption has been the rule and a continuance of the grant the exception. The following opinion recorded

\* Mr. Anderson.

in 1831 by one of the ablest\* and most experienced Judicial Officers of this Presidency may be cited in support of the view above taken:—

"An adoption, therefore, thus once established cannot be set aside, but it cannot convey property in which another has interest, such as the

relation of the ruling authority in respect to rights and properties which, failing a real son of a jagheerdar, would escheat to it; for such a right, which would fall to the State, the consent of the State is essential." This opinion was pronounced as a Judge of the Sudder Adawlut, the other

Register's letter to Mr. Secretary Willoughby, dated the 11th April 1831, and accompaniments.

Judges of the Court only so far differing from Mr. Anderson that they considered that the fact which he assumed as a matter of course, or perhaps from personal knowledge of circumstances,

would, in the event of trial, require proof by evidence that Government has a right to prevent adoptions where its own interests are concerned; at the same time they were of opinion that, until the point had by some means been decided in the negative, Government need not give up the right by refraining from the exercise of any prerogative.

13. On this occasion the Government of Lord Clare resolved\*

\* Mr. Secretary Bax's letter, dated the 28th April 1831.

"to continue to grant or to withhold its permission to adopt according to circumstances," and such has always been the practice of this

Presidency. It does not appear to me that the proceedings of Government in regard to the exercise of this prerogative have been so capricious and inconsistent as is supposed† by our late Hon'ble

† Vide his Minute, paragraph 29.

President. It is usual to decide each case on its merits according to the principles prescribed by the Hon'ble Court of Directors in their Despatches quoted in the margin; the nature of these may be gathered from the following extracts:—

11th June 1831.  
26th Sept. "  
17th Nov. 1841.  
26th Oct. 1842.  
5th Feb. 1845.  
18th Mar. "  
23rd Dec. 1846.

"We there stated it to be our wish that wherever the tenure of the estate and the custom of previous Governments are such that the refusal

of your permission to adopt would be considered an act of harshness, still more when it would be considered an injury, the permission should be given, but otherwise not, unless as a reward merited either by special services or by general fidelity and good conduct, and especially by a good administration of the jagheer. It is your duty not to violate any express or constructive right, nor to defeat any just expectation; but when your refusal to recognize an adoption would not have any such effect, we are not disposed to renounce the prospective claims of Government, unless when the Chief or family in whose favor the renunciation

is solicited may have deserved reward at our hands, and when this mode of conferring it is most eligible in respect of the interests of all parties, including both the Government and the inhabitants of the jagheer\*;" and on another occasion, when repeating these orders, the Hon'ble Court observed†—"On the whole, therefore, we are unable to frame any more precise direction for your guidance in such cases than that, wherever it is optional with you to give or withhold your consent to adoptions, that indulgence should be the exception, not the rule, and should never be granted but as a special mark of favor and approbation."

\* Hon'ble Court's letter, dated the 11th June 1831.

† Hon'ble Court's letter, dated the 26th September 1831.

14. On the above principles, on failure of heirs natural, permission to adopt has been refused in the cases of the petty States of Colaba and Mandavee, and of the Jagheers of Nepanee, Chinchnee, Sonee, and others of minor importance in the Deccan and Southern Mahratta Country, which have in consequence become incorporated into the general sovereignty: on the other hand, as exceptions to the general rule, the Chief of Sanglee, though still alive, has, for his loyalty and attachment to the British Government, been allowed to adopt a son, and an adopted son has been allowed to succeed to the Jumkhundee Jagheer on the death of its former Chief, "who, from his uniform loyalty and the good administration of his jagheer, had the strongest claims to that indulgence."‡ The four instances of adoption alluded to in the 16th paragraph of our late

‡ Hon'ble Court's Despatch, dated the 17th November 1811.

Hon'ble President's Minute were not sanctioned on the same principles. The parties adopting stood nearly in the same relation to the Rajah of Sattara as the latter did to us; they were his vassals, and when he as their Suzerain sanctioned the adoptions, the British Government, when applied to as Suzerain over all, did not deem it expedient to withhold its confirmation.

15. With one important exception the opinions of most of the distinguished men who have of late years been connected with the Government of India, at all events those which have passed under the sanction of the British Government, are, as a general system, adverse to adoptions,

relation of the ruling authority in respect to rights and properties which, failing a real son of a jagheerदार, would escheat to it; for such a right, which would fall to the State, the consent of the State is essential."

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merits according to the principles prescribed by the Hon'ble Court of Directors in their Despatches quoted in the margin; the nature of these may be gathered from the following extracts:—

"We there stated it to be our wish that wherever the tenure of the estate and the custom of previous Governments are such that the refusal

of your permission to adopt would be considered an act of harshness, still more when it would be considered an injury, the permission should be given, but otherwise not, unless as a reward merited either by special services or by general fidelity and good conduct, and especially by a good administration of the jagheer. It is your duty not to violate any express or constructive right, nor to defeat any just expectation; but when your refusal to recognize an adoption would not have any such effect, we are not disposed to renounce the prospective claims of Government, unless when the Chief or family in whose favor the renunciation

is solicited may have deserved reward at our hands, and when this mode of conferring it is most eligible in respect of the interests of all parties,

\* Hon'ble Court's letter, dated the 11th June 1831.

† Hon'ble Court's letter, dated the 26th September 1831.

including both the Government and the inhabitants of the jagheer\* ;” and on another occasion, when repeating these orders, the Hon'ble Court observed†—“ On the whole, therefore, we are unable to frame any more precise direction for your guidance in such cases than that, wherever it is optional with you to give or withhold your consent to adoptions, that indulgence should be the exception, not the rule, and should never be granted but as a special mark of favor and approbation.”

14. On the above principles, on failure of heirs natural, permission to adopt has been refused in the cases of the petty States of Colaba and Mandavce, and of the Jagheers of Nepanee, Chinchnee, Sonee, and others of minor importance in the Deccan and Southern Mahratta Country, which have in consequence become incorporated into the general sovereignty: on the other hand, as exceptions to the general rule, the Chief of Sanglee, though still alive, has, for his loyalty and attachment to the British Government, been allowed to adopt a son, and an adopted son has been allowed to succeed to the Jankhunde Jagheer on the death of its former Chief, “who, from his uniform loyalty and the good administration of his jagheer, had the strongest claims to that indulgence.”‡ The four instances of adoption alluded to in the 16th paragraph of our late

§ Hon'ble Court's Decree, dated the 17th November 1831.

Hon'ble President's Minute were not sanctioned on the same principles. The parties adopting stood nearly in the same relation to the Rajah of Sattara as the latter did to us; they were his vassals, and when he as their Suzerain sanctioned the adoptions, the British Government, when applied to as Suzerain over all, did not deem it expedient to withhold its confirmation.

15. With one important exception the opinions of most of the distinguished men who have of late years been connected with the Administration of India, at all events those which have passed under my observation, are, in conformity with the Rules laid down by the Hon'ble Court, that is, they are, as a general system, adverse to adoptions,

except as relates to private property. The last I have seen was recently recorded\* by Mr. Hamilton, the present able

\* In a letter to the Government of India.

Resident at Holkar's Court. The exception was the late Sir John Malcolm, who, I admit, is a great authority, for in ability, experience, and an ardent desire for the welfare of this country, this distinguished man had but few equals. His

† They are recorded in an elaborate Minute, dated the 10th June 1828, and were dissented from by the Hon'ble Court in their Despatch dated the 5th September 1822.

views on the expediency of sanctioning adoptions as a system and making them a source of revenue by the levy on all occasions of nuzzeranas† or reliefs are well known, but they have not received that general acceptance which has been accorded to the generality of the

principles he advocated for the future government of India. The views of this distinguished man were opposed by Lord Clare, his successor, in an able Minute,‡ and it was, I believe, on a consideration of the arguments adduced on both sides that the Hon'ble Court of Directors issued their instructions on the subject.

‡ Dated 15th February 1833.

16. The experience which has subsequently been gained is certainly not in favor of the system advocated by Sir § Sir G. Arthur. John Malcolm. The social evils resulting from adoptions are forcibly depicted in the following extract from a Minute recorded by another Governor§ of this Presidency, under date the 12th August 1845 :—

“The dissensions which exist between the Chief of Tasgaon and his adoptive mother strongly illustrate the evils of adoptions and the wisdom of not permitting them, except under the circumstances prescribed by the Hon'ble Court of Directors. So long as the adopted son is a minor, all proceeds outwardly smoothly enough; the estate is managed by the Agents of the former Chief under the general guidance of the widow who adopts; all, however, taking good care to enrich themselves to the great detriment of the interests of the future Chief. When, however, the Chief arrives at the age of manhood, a struggle for power ensues; the fictitious union existing between the parties is dissolved, and jealousy and heartburnings are engendered, terminating, as in the present instance, in a deadly feud.”

17. A more striking exemplification of the evils above referred to is afforded in the dissensions in the family of Dowlut Rao Scindiah. On the death of this Chief, his widow, Her Highness Baiza Bace, adopted a son, and continued to exercise regal powers for some years, until at last a struggle for the supremacy occurred between them, terminating, in 1833, in the adopted son being proclaimed sovereign, his mother being obliged

Thornton's History of  
British India, Vol. VI., page  
467.

to seek an asylum in British Territory. This Chief dying on the 7th February 1843, another adoption was allowed, and the political evils resulting therefrom, and a violent collision with the British Government, terminating only in war and bloodshed, are of too recent occurrence to require to be dwelt upon. These are strong facts in support of those who are of opinion that the annoyance by adoptions of sovereign and territorial rights ought, in the present state of India, to be discouraged as much as possible, and that all fair lapses should be annexed to the British Indian Empire when no absolute right will thereby be violated. The existence of so many Sovereignities and Chiefships interspersed with our own territory is in many ways inimical to good government and to the welfare and prosperity of the people, and if this is admitted, it follows that on every fair occasion their number ought to be diminished.

18. Although, however, I concur with those who are opposed to adoptions on principle, I should be very glad to see a relaxation from that maxim of our rule in India which is hostile to the acquisition of property in the soil. I should like to see rent-free estates created throughout the country, either by grants conferred in perpetuity or on long leases on those who have conspicuously distinguished themselves in the service of the State, and such grants might occasionally be substituted for the pecuniary pensions at present awarded; I should also like to see a system, gradually introduced, of allowing in the first instance on a limited scale, and under such rules as would secure the rights of all parties possessing an interest in the soil, the redemption of the land tax now paid to Government. The creation of rent-free estates by these means would, I think, be a vast benefit to India, and would develop its resources far more effectually and expeditiously than can be expected so long as the Government shall continue the landlord of the whole country.



"The best of all workmen is he who works for himself; thus the enterprise of an individual, when well directed and ably sustained, will generally be found to exceed that of the State or of incorporated communities. The economy of the man who is to reap the whole profit of a venture, his keenness, vigour, and spirit are unconquerable; his daring is commensurate with his gain; he stands unequalled, because others have divided interests and he but one." I hope I shall be pardoned this allusion to a very large question, which is not, I conceive, altogether irrelevant to the subject under discussion.

19. I conclude it will not be contended that the British Government does not stand in the relation of Lord Paramount to the Sattara State; if this, however, be disputed, it can be maintained, I conceive, on three separate grounds, *1st*, as successors to the Emperors of Delhi; *2nd*, as successors to the Peishwas, the *de facto* rulers\* of the Mahrattas; and *3rd*, as the granters of the territory of which the Sattara State is composed. On each of these grounds, I conceive, we are entitled to claim all the prerogatives of Suzerain, one of which I have shown is to grant or withhold permission to adopt; and as regards the first, it may be observed that, although Sivajee's Empire was extorted by force of arms, he sought for and obtained imperial grants from Delhi in confirmation of his conquests, having now the power to exercise the prerogative which the Imperial house of Delhi would have exercised in the days of its vigour. It devolves on the British Government to determine, in default of heirs, whether those grants† shall be renewed or not; I consider, however, the third ground, or that we ourselves created the sovereignty now to be disposed of, may, perhaps, be still more relied upon in support of this prerogative.

*Vide* Grant Duff's History of the Mahrattas, Vol. I., page 450, and note.

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\* They became so in A. D. 1749, under a real or pretended grant from the 4th Rajah of Sattara. "From this period the Peishwas have been considered the sovereigns of the Empire, negotiated with as such by other powers and obeyed by the Chiefs and Princes; the Rajah being subjected to an honorable and not very rigid confinement in the Fortress of Sattara."—Colonel Sutherland's *Sketches of our Relations with the Native States of India*, page 162.

† The late Rajah, at his interview with the Resident five days before his death, "produced the Sunnuds relating to the grant by the Delhi Emperors of the Sirdesh-mooke and other Wuttuns and royal rights," *vide* Mr. Frere's Report, dated 3rd April 1848.



this line of Princes to be continued by the Hindoo custom of adoption, a question which should be left entirely open for consideration when the event on which it depends shall actually occur."

22. With reference to the 15th paragraph of Mr. Frere's letter of the 8th ultimo, pointing out a difference between the English and Mahratta versions of the Treaty of 1819, I do not think that either by the most forced construction can be held to empower the late Rajah to adopt a son and heir without the consent of the British Government. Admitting, however, the reverse, I must maintain that for the true construction of any doubtful point in the Treaty of 1819 the English, and not the Mahratta or Persian version, must be referred to, for this, if for no other reason, that by that Treaty the British Government were bestowing as a free gift what it had a perfect right to grant or withhold; under such circumstances, we surely had a full right to prescribe our own terms for the gift, and if these are contested, the language of the granter, and not that of the grantee, must be the guide. I have no doubt from the circumstances under which this Treaty was entered into, it was first drawn up in the English language, and then translated from it into the Native languages.

23. There are precedents, moreover, in support of this view of the case. In 1843, on a point being raised respecting the true construction of our Treaty with Cutch, it was determined\* that, as we had entered Cutch as belligerents, and were in a position to dictate our own terms, the language of the party who concluded it (Captain Macmurdo) must be held to indicate what were the real intentions of the contracting parties. In like manner a discussion occurred in 1846 on the correct interpretation of an Article of our Treaty with the Baroda State, the Bombay Government interpreting it according to the English, and His Highness the Guicowar according to the Mahratta, version. The question was referred to the Governor General of India, when His Lordship † "concurred with the Government of Bombay that the English, and not the Mahratta, is the authoritative version of the Treaty of 1805;" and this decision was afterwards concurred in by the Hon'ble Court of Directors‡.

\* Vide letter to the Resident in Cutch, dated the 13th February 1843.

† Vide Mr. Secretary Currie's letter, dated the 17th June 1846, and the proceedings to which it relates.

‡ Vide Despatch to Bombay Government, dated the 23rd June 1847, paragraph 5.

24. On this point, therefore, I entirely concur in Mr. Reid's remarks in the 5th and 6th paragraphs of his Minute. No argument can fairly be drawn in favor of the adoption made by the late Rajah from the words introduced into the Mahratta, and not to be found in the English, version of the Treaty; there is no reason, therefore, in the present instance, why

\* *Vide* paragraph 28 of our late Hon'ble President's Minute.

we should be \*overreached, and pay the penalty of allowing ambiguous phrases to be introduced by able Vakeels' relying on their talents to turn them to account on the occurrence of a favorable opportunity.

25. I now proceed to consider *2ndly*, on the supposition that the late Rajah of Sattara did not possess the power to transfer the Sattara State to a child adopted without the sanction of the Paramount Government, from whom he himself received that State, are we called upon, or is it expedient, to recognize the child so adopted and continue in his favor the Sattara sovereignty? The decision of this question must depend on military, financial, or political considerations, singly or combined.

26. The two first may be dismissed in a very few words. I cannot concur in the opinion our late Hon'ble President has recorded,† that a Native State, like that of Sattara, can be a source of strength to the British Government; but, on the contrary, I can imagine various contingencies under which it might become a source of great weakness. In a military point of view the recognition of the adoption cannot, I think, be recommended, for it will scarcely be contended even by those most favorable to recognition on other grounds, that it is desirable that a small Native State should be interposed nearly midway between two of the principal divisions of the Army of this Presidency, namely, those of Poona and Belgaum; with the power, if the will existed, of partially interrupting our communications with the Concan.

27. Neither can it be said that, in the present state of the finances of India, recognition of the adoption can be recommended on financial grounds. With an annual deficit during the years mentioned in the margin of nearly a million and a half sterling in the revenues of British India generally, and with an estimated deficit for the year 1848-49 in the revenues of this Presi-

1843-44,

1844-45, .

1845-46, according to a Return made to the House of Commons on the 20th December 1847 "of the revenue and expenses of India for the last three years."

dency, and Sinde in particular, very nearly amounting\* to £700,000,

\* *Vide* Accountant General's Report, dated 19th January 1848, No. 64.

it cannot, with truth, be said that the ultimate reversion into the General Exchequer of India of a revenue which may hereafter vary from £120,000 to 140,000 is of no importance; I say ultimate reversion, since for many years to come a considerable portion of the present revenue of the Sattara Territory would be absorbed in the provision which ought justly to be assigned to the late Rajah's family and to all who possessed a claim or were dependent on that State. These should, in fact, be regulated on the same liberal principles as were adopted by the Hon'ble Mr. Elphinstone in his settlement of the territories conquered from the Peishwa, and which will be found detailed† at length in his Report, dated the 25th October 1819, and which was afterwards printed by Government.

28. If, therefore, it is conceded that the recognition of the adoption is unadvisable on military and financial considerations, it can only be supported on grounds of State policy; and here I would first remark that even in 1818 the policy of creating the Sattara sovereignty was by some disputed notwithstanding the forcible reasons urged in favor of the measure by the eminent person with whom it originated. I find the following reasons were

† Appendix to the Hon'ble Mr. Elphinstone's Report, page 1, dated the 25th October 1819.

assigned‡ in favor of the arrangement:—"The advantages that principally weighed in favor of giving His Highness a territory were his popularity with the Mahrattas and the asylum which his Government would afford to persons unwilling to serve us," counterbalanced, however, Mr. Elphinstone admits, by two corresponding evils: "the influence which the Rajah may be expected to possess among his nation, and the concourse of disaffected persons likely to assemble at Sattara."

‡ *Vide* also Grant Duff's History of the Mahrattas, Vol. III., page 439.

29. The question, therefore, now arises whether, after a lapse of thirty years, we are likely to derive the same advantages as were anticipated by Mr. Elphinstone, and whether they are of sufficient moment to render it expedient that the Sattara State should be re-constituted for the benefit of a boy hitherto brought up in obscurity, and of whose existence we were not aware until he was adopted by the late Rajah. Admitting that Mr. Elphinstone's reasons may still be urged, it cannot be denied

that their original force has by the lapse of time become much diminished ; it was Mr. Elphinstone's avowed policy, and the Sattara Treaty was framed accordingly,—“ most carefully to destroy all connection between the Rajah and the Mahrattas not subject to his authority.” It is not probable, therefore, all intercourse and connection between Sattara and the other Mahratta States of India having long since ceased, that the decision of the question at issue will create any but a local interest. The annexation of the Sattara State to the Anglo-Indian Empire will be necessarily felt by all who have been in any way connected with it, and the measure will be unpopular among the old Brahminical and Mahratta families, who possessed influence and power under the Peishwa's rule ; but beyond this, the question will most probably be regarded with indifference.

30. Mr. Reid has very correctly observed, that, had the late Rajah left a son, no question could have arisen of the entire right of such son to succeed to the musnud. The case, however, becomes very different when we have to consider the expediency of bestowing that musnud on a boy possessing no personal claims, who has been brought up in poverty and seclusion, of whose capacity and disposition we know nothing, of whose probable fitness for rule no judgment can at present be formed, and who owes his good fortune of having been selected for adoption, not to any superiority of claim over that of other members of Sivajee's descendants, but to the lucky accident\* of his being on the spot at Sattara at the period of the late Rajah's demise. “ Up to an hour or (observes Mr. Frere) before the adoption, there appears to have been no thought of selecting this boy.”

\* See also paragraph 3 of our late Hon'ble President's Minute.

31. It will not, I think, be contended that the Sattara family possess any strong personal claims on the favor and generosity of Government beyond an assignment of the most liberal provision for their future support. I will not be deterred by the unjust reflections which have been cast upon the Commission of 1836, of which, contrary

† I have still in my possession a letter from the late lamented Sir R. Grant in reply to a request I had preferred to be exempted from the duty.

to my own desire,† I was appointed a member from asserting my solemn conviction that the Ex-Rajah of Sattara did engage in intrigues against the British Government, and that he did violate the 5th Article of the Treaty of

1819, an Article which was expressly declared to be the fundamental condition of Agreement, a departure from which would involve the forfeiture of all the advantages it secured to him.\* His ambitious views and disposition to intrigue did not escape the notice of the able

† Vide Printed collection of Treaties, page 291.

Officer† who was the first appointed Resident at Sattara; his intrigues with Goa were known to another Resident‡ several years before the formation of the conspiracy by which, his advocates assert, his destruction was accomplished: lastly, a third Resident§, who has since become one of his most strenuous supporters, guided by the knowledge he possessed of the Ex-Rajah's character, predicted ten years before the event his ultimate

† Captain Grant Duff, *vide* his History of the Mahrattas, Vol. III., page 183, and Colonel Sutherland's sketch of our Relations with the Native States of India, pages 163 and 164.

‡ The late Major General Robertson.

§ Major General Briggs.

downfall in the precise manner in which it has occurred. "He is, however, (observed Major General Briggs on the 1st January 1827, and the prophecy cannot be too often repeated in reply to those who, in the sacred name of justice, have endeavored to asperse the character of honorable men, for having conscientiously discharged a painful and invidious duty,) tenacious of his prerogative, and will every day more and more resent our control; he has lately been flattered by those around him into an enormous estimate of his own importance, and he has already evinced strong inclinations to extend his connections beyond the limits assigned by Treaty. It will be fortunate, perhaps, for His Highness, if events afford the Government an early opportunity, to give him timely warning of the danger he is incurring, or I should be very apprehensive that he may succeed in involving himself in secret communications with those who may, at some future period, provoke the resentment of Government, when it is likely a development of a system of intrigue with His Highness will take place which will altogether shake our confidence and may lead to his ultimate ruin." The Major General, instead of being grateful to those who have proved the wisdom and sagacity of his prediction, has thought proper to join in the hue and cry which the Ex-Rajah's gold has raised against the men who brought his intrigues to light; to say the least, his inconsistency is remarkable. With respect to the Ex-Rajah's deposal, I regard it as his own suicidal act. The Authorities both in India and England were anxious to save him from the consequences of his intrigues; but, trusting to the agency he had established in both coun-

tries, he fell, not, according to the gloss given by his advocates, because he felt indignant at being required to sign a confession of his guilt, but because his ambitious spirit could not brook being again subjected to the provisions of the Treaty of 1819. When that Treaty was proffered by Sir James Carnac for his re-acceptance, this misguided Prince in my presence declined it, with the observation that it would reduce him to the condition of a Mamlutdar. I could write much more on this subject, but I will only add that, in the opinion of all who believe with me in the existence of the intrigues imputed to the Ex-Rajah, they will not be held to strengthen the claims of his family to anything that can with justice and propriety be withheld, or to support the policy of perpetuating the Sattara sovereignty now that it has become extinct by default of heirs natural.

32. Entertaining these views, it seems to me that the question at issue ought to be determined on a consideration of the broad principle of what is likely to be most conducive to the interests of the Empire at large, what will be the best for British India and the people of India generally. Those who regard the Native States of India as safety valves for the discontented, and for particular classes of persons for whom it is difficult to find employment under our rule, will probably decide on the expediency of re-creating the Sattara State in favor of the adopted child on the principle that it is wise to perpetuate the Native States of India still remaining notwithstanding the anarchy and misrule, the oppression and injustice, which is too often found to prevail in their administration, and of which we have a melancholy instance close at hand in the adjacent territories of the Nizam. Those, on the other hand, who concur with Lord Auckland's Government that we should abandon no just and honorable accession of territory and revenue, while all existing claims of right are at the same time scrupulously respected, and are at the same time of opinion that British rule should on every fair occasion be extended under the strongest conviction that

\* Recent speech of the Right Hon'ble T. B. Macaulay.

\* "no Government exists of which the intentions are purer, or which, on the whole, has done more to extend civilization and promote the happiness of the human species," will no doubt take the opposite view of the question, and determine, in virtue of our prerogatives as Lords Paramount, not to confirm the adoption, when, as a necessary consequence in the absence of an heir and



successor to the late Rajah, the Sattara Territory will revert to the general sovereignty.

33. In the event, however, of the first opinion prevailing, and it is resolved to submit to all the evils of a long minority, and to govern Sattara through a Regency, at the head of which must be the Resident, then I should entirely concur with our late Hon'ble President and with Mr. Reid, that the adopted child of the late Rajah of Sattara, the last possessor of the musnud, has an undoubted claim to be recognized in preference to all other candidates for the succession. In this case our right to levy nuzzerana according to the rules in force in this part of India ought not to be relinquished, and immediate measures should be adopted for the proper education and instruction of the child who is destined to become the future ruler of the Sattara State.

34. Just as I am concluding this Minute, the last debate in Parliament on the Sattara question, as reported in the *London Times* of the 7th ultimo, has come under my observation. The following extract from the speech of Mr. Lewis, Secretary to the Board of Control, and therefore no doubt derived from official authentic sources, entirely confirms the account I have given\* of the former condition of the Rajahs of Sattara, and of the circumstances under which the Rajah, deposed in 1839, was, through the spontaneous generosity of the British Government, raised from the condition of a captive to a throne :—

\* *Vide* paragraph 9.

“It is perfectly well known that Sattara was a portion of the Mahratta empire, and that the Peishwa, not the Rajah, was the head of that State; the Rajah was a mere State Prisoner, and was allowed half a lakh of Rupees, or £5,000, a year; and when the Peishwa surrendered to Sir J. Malcolm,† the Rajah was released by the English Troops, and by a most fortunate accident his life was saved: there was, in fact, nothing in authentic history which showed that the Rajah ever possessed any substantial power. In 1818 Mr. Elphinstone thought it would be politic to assign, as a mere bounty, and as a voluntary act on the part of the British Govern-

† This is either a mistake of the speaker or of the Reporter. The Rajah was released on the field of battle at Ashtah and his family from the Fort of Wagsota, *vide* Grant Duff's History of the Mahrattas, Vol. III., pages 445 and 481.

ment, a small sovereignty to the Rajah of Sattara. There prevailed a difference of opinion at the time on the subject, and it was agreed that the Rajah should be placed on trial and be invested with the provisional sovereignty of Sattara; he was accordingly put in possession of the State, but in entire subordination to the British Government; and it was stipulated that all his political relations were to be subservient to British authority. It was agreed that the British Government should cede the sovereignty to the Rajah of Sattara (hear, hear); yes, but it was at the same time stated that the territory belonged to the British Government; the Rajah was to hold it in subordination to the British power, and to be guided in all matters by the advice of the British Agent, resident at His Highness's Court: the Rajah also engaged for himself and his successors to forbear from all intercourse with foreign powers. The Marquis of Hastings was the Governor General who made the arrangements with respect to Sattara, and in a paper written by him during the voyage home from India, His Lordship gave a summary of the transaction, in which it was stated that to the Rajah of Sattara an independent territory had been assigned out of the late Peishwa's possessions; that he had a large revenue competent to the maintenance of considerable pomp: that this was an extraordinary change in the position of one who used to be kept in strict custody by Bajee Rao, who gave orders to his (the Rajah's) escort to put him and his family to death on any probability of his being delivered from captivity; and which orders were only prevented from being carried into execution by a sudden attack made by the British Troops, who rescued the Rajah from the Peishwa, Bajee Rao."

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Copy of a Minute by the Right Hon'ble the Governor, concurred in by the Hon'ble Mr. Reid and the Hon'ble Mr. Willoughby,—(dated the 18th May 1818.)

THESE papers have reached me so late, that it is quite impossible I can make myself master of their contents and record an opinion on them previous to the departure of the packet on the day after to-morrow, by which, I am informed, it is necessary that they should be sent. I beg that as soon as copies of these documents shall have been dispatched to Europe, that the originals may be returned to me for consideration.

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Copy of a letter from H. M. ELLIOT, Esq., Secretary to Government of India, Foreign Department, to the Chief Secretary to Government, Bombay,—(No. 1640, dated the 8th July 1818.)

WITH reference to your letter, No. 65, dated 20th May last, forwarding the Minutes of the late Governor of Bombay and of the Members of Council on the question regarding the succession to the Sattara State, I am directed to observe that the Government of India, understanding it to be the intention of the Right Hon'ble the Governor of Bombay to express his opinion upon this question, consider it due to His Lordship to give no decision on the subject until His Lordship's views shall have been communicated to them; I am at the same time desired to request (as it is expedient that the question should not be held in suspense longer than can be avoided,) that, as soon as His Lordship's opinion is recorded, it may be sent without delay for the information of the Governor General in Council.

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Copy of a letter from A. MALET, Esq., Chief Secretary to Government, Bombay, to H. M. ELLIOT, Esq., Secretary to Government of India,—(No. 134-3191, dated the 31st July 1818.)

I AM directed by the Right Hon'ble the Governor in Council to acknowledge the receipt of your letter, No. 1640, dated the 8th instant, communicating the wish of the Government of India to be furnished with the views of His Lordship the Governor of this Presidency before coming to a decision on the question of the succession to the Sattara throne.

2. In reply, I am desired to transmit to you, for submission to the Right Hon'ble the Governor General of India in Council, copy of a Minute recorded by the Right Hon'ble the Governor, under date the 28th instant, in which His Lordship has recorded his opinion on the position of the State of Sattara consequent on the demise of His Highness the late Rajah.

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Copy of a Minute by the Right Hon'ble the Governor,—(dated the 28th July 1848.)

THE papers treating of the Sattara succession first came before me shortly after I had assumed the charge of this Government; they were then about to be dispatched for the consideration of the Supreme Government and the Hon'ble Court of Directors; and as it did not occur to me that my opinion was required on a question which had arisen during the official career of my predecessor, and the discussion on which, in the Council of Bombay, appeared to be brought to a termination by Mr. Willoughby's very able Minute, I was anxious that these documents should not be longer delayed than they had already been, but be forwarded at once for the decision of the superior Authorities, awaiting which, however, I deemed it my duty to study the question in all its bearings; and therefore, although my Minute of the 18th May was meant to go no further than to indicate an intention of doing this, and not of recording any opinion on the case, I am prepared to state the views I have formed upon the subject.

2. It is scarcely necessary for me to premise that, having no experience in Indian politics, I am compelled to rely on others for information in regard to many things, a knowledge of which is essential to enable me to arrive at a conclusion on the matter under consideration. Thus circumstanced, I esteem it most fortunate for myself as well as for the public interests that three such men as Sir G. R. Clerk, Mr. Reid, and Mr. Willoughby, men thoroughly versed in all that relates to India and its laws, to the practice of its Courts, and the rights and customs of its Princes and its people, should have lent their knowledge and ability to elucidate every part of this important case, in regard to which the judgment I have formed is mainly founded on what appear to me to be admitted facts, that are put prominently forward in the Minutes of my predecessor and his colleagues.

3. The Sattara sovereignty in its present form dates no further back than from the year 1819, when the British Government, in the words of the preamble of the Treaty, "determined, in consideration of the antiquity of the house of His Highness the Rajah of Sattara, to invest him with a sovereignty sufficient for the support of his family in comfort and dignity;" and then, according to the first Article of the Treaty, agreed "to cede in perpetual sovereignty to

the Rajah of Sattara, his heirs, and successors," certain districts which have since been designated the Sattara Territory. In 1839 the British Government, by an act of Paramount Authority, and for reasons which need not here be recapitulated, deposed the Rajah with whom the Treaty of 1819 was contracted, and placed his brother on the throne: this brother is the Rajah who has recently died, leaving behind him no natural-born heir, but an adopted son, whose rights are now to be examined and determined.

4. The rite of adoption is a rite perfectly understood by the Hindoo people, accurately defined by their laws, and guarded by restrictions to prevent its abuse. It is admitted on all hands that the adoption by the late Rajah, although the ceremony was performed only a few hours previous to his death, is perfect according to Hindoo law, and valid to the extent of the validity given to adoptions by that law. This comprehends the inheritance of all private rights and personal property, but certainly not, in so far as I have been able to ascertain, the succession to public rights or the inheritance of a sovereignty.

5. It is stated by Sir G. Clerk that "the sanction of the Paramount State is by custom required to render the adoption to a Principality valid," and Mr. Reid and Mr. Willoughby prove by the conduct of the late Rajah himself, by the memorandum containing his last wishes (see paragraph 20 of Mr. Willoughby's Minute), as well as by arguments of great cogency, by precedents and by rules and principles of acknowledged authority, that this custom is virtually a law, recognized and respected as such throughout all India. The conclusion from all that has been adduced on this point is to my mind irresistible, that as a claim to the succession the adoption is worthless until confirmed by the British Government as the Paramount Power; and, thinking thus, I cannot agree with Sir G. Clerk, that, although we possess the right to confirm, or to refuse to confirm, the adoption, it would be unjust to exercise that right in refusing to confirm. The right to give necessarily implies the right to withhold; and, so far from its exercise in either mode being compulsory, I consider the right a sacred trust vested in us as the rulers of Indian Empire, to be used, with caution and deliberation, in such manner as may appear to our judgment to be most conducive to the benefit of the people at large.

6. I agree, then, with Mr. Reid and Mr. Willoughby that the course of the British Government in regard to the disposal of the throne of Sattara may, in all justice and fairness, be determined by considerations of expediency only, for I presume it can hardly be contended, that, passing over the adopted son, there is any other party who can advance a claim to the vacant throne. I do not consider it material to notice the adoption by the Ex-Rajah at Benares, because the circumstances being similar, all that militates against the validity of the Sattara adoption must be equally adverse to the validity of the other; and if either adoption is to be made valid by our confirming act, it should be that of the Rajah who died upon the throne, rather than that of the Rajah whom we ourselves dethroned and who died in exile. The Government of 1839 knew of no party who could claim the succession by "hereditary right;" and although there are doubtless a great number of blood relations belonging to the ancient house of Sivajee, I have never heard of any individual who could be brought forward to stand in the place of "the heir and successor" contemplated by the Treaty of 1819.

7. I assume then that the heir to the sovereignty is the adopted son, or that there is no heir; and as, for the reasons I have cited above, it seems evident that we have the right to confirm or repudiate the adoption, it is for us to decide whether it be expedient to continue the sovereignty or to terminate it by incorporating the Sattara Territory with the adjoining British possessions.

8. This part of the subject has been very clearly treated by Mr. Willoughby in the 25th and following paragraphs of his Minute, and to the opinions therein advanced I subscribe generally. I conceive that the question is not to be regarded as concerning only the Sattara family, or even the people of the Sattara State, but with reference to the whole of our Eastern dominions and its bearing upon the interests of the entire community. I cannot doubt that the consolidation of our possessions by the absorption of the small kingdoms and independent Principalities, which are surrounded by our territories, must tend to augment our power. Sir G. Clerk believes that a Native Government, administered as "that of Sattara has for some time been, is a source of strength to the British Government," and this may be the case; but the Sattara Districts are hilly and strong, the population hardy, daring, and disposed to be predatory

in their habits. Let it be supposed that the Government of that small kingdom were badly conducted, (and what security can we have that it shall not be so?) and, instead of a source of strength from whence assistance might be derived in times of difficulty, it will at once become a source of perpetual annoyance to our Officers, of injury to our subjects, and weakness to our Government. The interposition of a tract of difficult country between two divisions of one army can be of but little consequence so long as it shall be held by a friendly power sufficiently strong to restrain and command the people by whom it is inhabited, but let the ruling power become weak or hostile, and our Military communications would be interrupted, perhaps, at the very moment when they would be most serviceable; our real security, therefore, will at most times, and under most circumstances, be more effectually promoted by the consolidation of our territories than by the delegation of power to subordinate rulers, for whose constant good conduct we can have no guarantee.

9. I am not disposed to dwell much upon the financial considerations attaching to the question, though I am sensible they ought not to be altogether disregarded. The British Government need not covet the revenues of this petty State, and I do not think it is desirable that we should be supposed to be influenced in our determination of this question by the present condition of our treasury. It appears to me that our right to the Sattara Territory as a lapsed fief of our Empire, being (as I considered it to be) once established, if, by incorporating it with our other possessions, we can obtain additional security for the peace and prosperity of the whole, then that the argument in favor of its being so incorporated is sufficiently strong even if the advantage to be derived at some distant day from an acquisition of revenue be entirely set aside.

10. Mr. Willoughby has shown, and to my mind satisfactorily, that, whatever course may be pursued in this matter, there is no reason to apprehend that feelings of distrust or alarm towards our Government will be engendered among those Native Princes and feudatories whose confidence it is essential that we should possess, or that evil consequences of a political nature will ensue; and I am of opinion that, if the Authorities with whom the decision of this question rests shall determine to deal with the Sattara Territory as with a lapsed fief, no "express or con-

structive right will be violated, no just expectation defeated," while the prospective interests of the British Government and of those subject to British rule in India will be promoted and secured.

(Sd.) FALKLAND.

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Copy of a Minute by the Right Hon'ble the Governor General,—(dated the 30th August 1848.)

THE death of His Highness Shreemunt Maharaj, the Sovereign of Sattara, has rendered it necessary for the British Government to determine the important question whether the State of Sattara shall be continued as an independent sovereignty, or whether it shall be held to have lapsed to the Paramount State, and shall henceforth form an integral portion of the British Empire in India.

2. The Minutes of Sir George Clerk, the late Governor of Bombay, and his colleagues in Council, Mr. Reid and Mr. Willoughby, have been for some time before us.

I deferred, however, submitting the question for the consideration of the Supreme Government until I should have received the Minute of the present Governor of Bombay, Viscount Falkland, who had intimated his intention of expressing his opinion upon it.

His Lordship's Minute has now arrived, and I lose no time in bringing the subject under the notice of the Council, in order that the opinion of the Government of India may be transmitted with as little delay as possible to the Hon'ble Court of Directors, by whom a final decision can be given.

3. After a careful consideration of the many documents which relate to the Sattara State, as well as of those more immediately before us, and after deliberate review of the various arguments which have been fully and ably stated by the several members of the Government of Bombay, I am clearly of opinion that the death of His Highness Shreemunt Maharaj, without heirs natural, having rendered the throne of



Sattara vacant, that territory should be held, in accordance with practice and with law, to have lapsed to the Paramount State, and should henceforth be incorporated with the British Territories in India.

4. In the Minutes of the Members of the Government of Bombay the whole facts of the case are so clearly set forth, and every argument is so fully treated, that I feel it to be unnecessary to enter at any great length into the discussion of this question; I shall rather endeavour to state as concisely as I can the conclusions at which I have arrived and the reasons on which they are founded, referring to the Minutes in question for the more detailed statement of the arguments in which I have expressed my concurrence.

5. His Highness Shreemunt Maharaj has died, leaving no heirs natural, but having, in accordance with Hindoo custom, adopted one of his kinsmen as his heir a few hours before his death.

6. The questions for decision are—

1st.—Is the British Government bound, as a matter of justice and of right, to recognize the boy thus adopted as being actually the successor of the late Rajah and heir to the throne of Sattara?

2nd.—If not as a matter of justice and of right, ought the British Government to approve of the succession of this boy as a matter of wisdom and sound policy?

7. If the late Rajah had left an heir of his own body, no question would have been entertained of the perfect right of such heir to succeed to the throne. It is equally clear, I think, that the boy who has been adopted by the late Rajah, in justice and as his right, ought to succeed as heir to the personal and private property of the Prince who adopted him.

But I think that Mr. Willoughby has proved to demonstration in his Minute that the boy has not, by reason of the ceremonial of adoption, acquired any right whatever to the sovereignty until the adoption has been ratified and confirmed by the British Government as the Lord

Paramount of the State of Sattara; and further, that the British Government is not bound, as a matter of justice and of right, to confirm the adoption, but is free to give or to withhold its ratification as it may think right.

8. I hold it to be established as a general rule, beyond cavil or doubt in the papers now before us, that, while adoption by a Prince of

Mr. Willoughby's Minute, any individual is valid so far as to constitute paragraph 10.

him heir to the adoptor's private possessions, it is of no power or effect whatever in constituting him heir to the Principality or to sovereign rights until the adoption so made has received the sanction of the Sovereign power, with whom it rests to give or to refuse it.

9. This appears to have ever been the practice throughout all the State of India. It has been frequently acted upon heretofore by the Government of the Hon'ble Company, by whom the sanction asked has sometimes been given and sometimes withheld: their proceedings have received the approval of the Court, who declared that our sanction is necessary, "not, indeed, to the validity of the adoption or to the private rights which it confers, but to enable the adopted son to succeed to the Chiefship."

30th December 1842.

10. Abundant proofs will be found in the papers laid before Parliament relative to the affairs of Sattara that that power has always itself recognized and contended for the principle that, on the death of the holder of a fief without issue, it rested with the Sovereign authority to decide whether he would annex the territory to his own possessions or permit adoption. There is evidence equally direct that the rule has ever been regarded as applicable to the destination of the State of Sattara itself.

11. Thus, in discussing the state of the Raj in 1839, the Governor of Bombay, Sir J. Carnac, after describing himself as "a strong and earnest advocate for upholding the Native States of India," goes on to observe:—"Neither the Rajah about to be deposed, nor his brother, who is to be substituted in his place, have any children; and at their advanced period of life it is not very likely that they will hereafter have any,

and I know of no other party who can claim the succession by hereditary right. It follows, therefore, that, on the *demise of the new Rajah the Sattara State would lapse to the British Government*, unless, indeed, it shall be then *judged expedient to allow* this line of Princes to be continued by the *Hindoo custom of adoption*; a question which should be left *entirely open for consideration* when the event on which it depends shall actually occur."

Sir J. Carnac's Minute,  
4th September 1839, p. 309,  
S. 26.

12. Sir James Carnac held it to be a point without doubt that the Raj would lapse to the British Government, and that it was for the British Government alone to say whether it would allow its continuance by adoption or whether it would not: this view was in no degree repudiated by the State of Sattara. The Vakeels of the Ex-Rajah, in their

letter to the Court of Directors, advert to these expressions of the Governor of Bombay, in which they say he "*holds out (by not allowing the present ruler of Sattara an adoption)* the almost immediate prospect of a large increase to your territorial revenue as a born for the confirmation and indemnity of his conduct." They give vent to their own dissatisfaction at Sir J. Carnac's proceedings, but they never for a moment call in question the correctness of his statements as to the occurrence of a lapse or dispute his right of "*not allowing an adoption.*"

13. Lastly, it was fully admitted by the late Rajah himself that the sanction of the British Government was necessary in order to render his adoption valid. He frequently applied for permission to adopt: his

last request to the Resident was to obtain a "recognition" of the adoption he contemplated making; and he relied on the absence of that recognition on the part of the British Government as fatal to any claim which might be set up by the adopted son of the late Ex-Rajah at Benares.

Resident at Sattara,  
3rd April 1848.

8th "  
Mr. Willoughby's Minute,  
paragraph 20.

14. It is on these grounds that I found my conviction that the British Government is not bound, as a matter of justice and right, to recognize this boy as actually the heir to the sovereignty of Sattara, but is free

in this case, as it has been in others, to confer or to refuse its sanction as it may think fit.

15. This power it possesses by virtue of its authority as the Sovereign State of Sattara, a position which it holds equally as the successor of the Emperors of Delhi, as the successor by conquest of the Peishwas, the virtual Sovereigns of the Rajahs of Sattara, and lastly and especially as the creators of the Raj of Sattara under the Treaty of 1819.

16. It was under the clauses of that Treaty that the present Raj was called into existence by an exercise of the power and generosity of the British Government; all the ordinary rights, therefore, possessed by a Sovereign over a subordinate and long-constituted State must, from the very nature of the case, have been stronger in this instance than in any other. I can find nothing whatever in the terms of the Treaty which would justify the assumption that it was intended to curtail those rights or to confer larger powers in respect of adoption on the Rajahs of Sattara than are enjoyed by old established States. The words "heirs and successors" must be read in their ordinary sense, in the sense in which they are employed in other Treaties between States; and, in the absence of all evidence or reasonable presumption founded on known facts, or on some special wording of the English instrument, in favor of a wider interpretation, those words cannot be construed to secure to the Rajahs of Sattara any other than the succession of heirs natural, or to grant to them the right of adopting successors to the Raj without that sanction of the Sovereign State which may be given or may be withheld, and which, by ordinary and invariable practice, is necessary to the validity of such an act of adoption by the Prince.

17. Having thus stated the grounds of the conclusion I have formed, that the Rajah of Sattara had not, either by the terms of the Treaty or by any rule of law or practice, the *right* to adopt a successor to his Raj, and that the British Government is not bound, as a matter of justice and right, to recognize the boy His Highness named as actually his successor in the Raj, I proceed to set forth the considerations which have induced me to form an opinion not less decided, that we ought not to recognize this successor as a matter

of expediency and policy, but that we ought to regard the territory of Sattara as lapsed, and should incorporate it at once with the British dominions in India.

18. However wise the policy may have been which led to the creation of the State of Sattara in 1819, and however strong the reasons which induced the Government at that period to establish anew a Mahratta State on that side of India, I venture to think that the same reasons do not exist for its continuance now.

19. The power of the Mahrattas, at that period still formidable, is no longer a source of anxiety to us. The territories of the Peishwa have for 30 years remained tranquilly in our possession; the supremacy of the British Government has year by year become more firmly established; Scindiah and Holkar have, in the course of events, been effectually reduced to harmlessness; and there is now no reason, as there formerly was, to apprehend the formation of alarming confederacies among Mahratta Chiefs, nor any necessity for maintaining as a counterpoise the nominal sovereignty of the house of Sivajee.

20. The assumption of the Raj by the British Government will cause no ferment or discontent among other Native powers, though it must of necessity be obnoxious to the pride and to the feelings of those who have lived and held influence within its bounds.

21. While, therefore, I do not presume to dispute the wisdom of creating the Raj of Sattara in 1819, I conceive that the same reasons do not prevail for its re-constitution now, when it is again placed by events at our disposal.

22. I am unable to admit the force of the argument advanced by Sir G. Clerk for its continuance, which is founded on the happy and prosperous condition of the State and the just and praiseworthy Government of the late Rajah.

23. These, indeed, would be strong arguments for its continuance if the late Rajah were yet alive, or if it could be shown that the excellence of his Administration arose, not from his own personal qualities,

but from the nature of the institutions of the State, by which the dispositions of the Sovereign would always be guided or compelled into an observance of the rules of good Government.

But if the excellence of his Government proceeded only from the excellence of his own disposition, I find in that part no argument for the continuance of his sovereignty to others, whose dispositions may differ widely from those so happily displayed by His Highness, and whose Administrations may be as conspicuous for oppression and misrule as that of Shreemunt Maharaj has been for wisdom and mildness.

24. While I find no sufficient reasons for the re-constitution of Sattara either in the consideration which led to the original formation of its Government, or in the manner in which that Government has lately been administered, I conceive that many powerful arguments may be adduced in favor of its ceasing to be a separate State and being resumed as a portion of the British Territories.

25. I take this fitting occasion of recording my strong and deliberate opinion, that, in the exercise of a wise and sound policy, the British Government is bound not to put aside or to neglect such rightful opportunities of acquiring territory or revenue as may from time to time present themselves, whether they arise from the lapse of subordinate States by the failure of all heirs of every description whatsoever, or from the failure of heirs natural, where the succession can be sustained only by the sanction of the Government being given to the ceremony of adoption according to Hindoo law.

26. The Government is bound, in duty as well as in policy, to act on every such occasion with the purest integrity and in the most scrupulous observance of good faith; where even a shadow of doubt can be shown, the claim should at once be abandoned.

27. But where the right to territory by lapse is clear, the Government is bound to take that which is justly and legally its due, and to extend to that territory the benefit of our sovereignty, present and prospective.

28. In like manner, while I would not seek to lay down any inflexible rule with respect to adoption, I hold that, on all occasions where heirs natural shall fail, the territory should be made to lapse, and adoption should not be permitted, excepting in those cases in which some strong political reason may render it expedient to depart from this general rule.

29. There may be conflict of opinion as to the advantage or the propriety of extending our already vast possessions beyond their present limits. No man can more sincerely deprecate than I do any extension of the frontiers of our territory which can be avoided, or which may not become indispensably necessary from considerations of our own safety and of the maintenance of the tranquillity of our Provinces; but I cannot conceive it possible for any one to dispute the policy of taking advantage of every just opportunity which presents itself for consolidating the territories that already belong to us by taking possession of States which may lapse in the midst of them, for thus getting rid of these petty intervening Principalities, which may be made a means of annoyance, but which can never, I venture to think, be a source of strength, for adding to the resources of the public Treasury, and for extending the uniform application of our system of Government to those whose best interests, we sincerely believe, will be promoted thereby.

30. Such is the general principle, that, in my humble opinion, ought to guide the conduct of the British Government in its disposal of independent States when there has been total failure of all heirs whatsoever, or where permission is asked to continue by adoption a succession which fails in the natural line.

31. It would be difficult to imagine a case to which the rule founded on this general principle would be more closely applicable than to the Raj of Sattara.

32. The territories lie in the very heart of our own possessions; they are interposed between the two principal Military Stations in the Presidency of Bombay, and are at least calculated, in the hands of an independent Sovereign, to form an obstacle to safe communication and combined Military movement.

The district is fertile and the revenue productive; the population, accustomed for some time to regular and peaceful Government, are tranquil themselves and prepared for the regular Government our possession of the territory would involve.

33. By incorporating Sattara with our own possessions we should acquire continuity of Military communication and increase to the revenues of the State; we should obtain uniformity of administration in matters of justice and of revenue over a large additional tract; and in my conscience, I believe, we should ensure to the population of the State a perpetuity of that just and mild Government which they have lately enjoyed, but which they will hold by a poor and uncertain tenure, indeed, if we resolve now to continue the Raj and to deliver it over to the Government of a boy brought up in obscurity, and selected for adoption almost by chance, and of whose character and qualities nothing whatever was known to the Rajah who adopted him; nothing whatever is known to us.

34. Firmly convinced, then, that we are not bound, by law or practice or Treaty, to recognize, as being actually the heir to his throne, the boy whom the Rajah has adopted, I am of opinion that every consideration, as well of the interests of the people of Sattara as of the British Government, should lead us to incorporate that State with the British Territories, and I recommend that measure accordingly.

35. An ample provision should be made for the Ranees of the late Rajah and his retainers according to their respective claims, as well as for the foundling whom he so specially recommended to our protection.

36. The boy whom he adopted should at once be allowed to succeed to all private property and to everything, excepting public rights.

If this provision should not be sufficient for him, a stipend should be allowed to him from the revenues of the State.

37. I would also strongly recommend, as a measure of sound policy, that provision should be made from the revenues of Sattara for the boy adopted by the late Ex-Rajah at Benares.



38. He has no claims whatever on the throne of Sattara; his adoption, even if it had received the sanction of the British Government, which it has not, would not have conferred on him any claim of that nature. Pertaub Singh could not convey to the boy by adoption any rights which did not belong to himself; he had been stripped of his rights of sovereignty when deposed from his throne and banished from his kingdom; consequently, he could convey no such rights of sovereignty to the boy. Nevertheless, if the Raj be resumed, discontented spirits may arise, and some may be found mad enough to become his partizans hereafter; I therefore think it would be politic—I will even say it would be only fair, regard being had as well to his position as to his near relationship to the late and Ex-Rajahs—that some provision should be made for his maintenance.

39. Allowances should also be made to such deserving servants of the State as may appear to be entitled to that favor, and changes in the Administration should be introduced gradually and tenderly.

40. The widow of the Ex-Rajah has at her disposal her allowance whenever she chooses to receive it, which hitherto she has refused to do.

41. The daughter has also her allowance, and will return to Sattara after the rains.

42. The amount of the stipends, which should all be for life only, may, with all other details, be left for future arrangement.

(Sd.) DALHOUSIE.

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Copy of a Minute by the HON'BLE MAJOR GENERAL SIR J. H. LITTLER,—(dated the 5th September 1843.)

THE subject of the Sattara succession has been already so ably discussed in all its bearings, and such powerful arguments adduced in opposition to the adopted son's claims to inherit the sovereignty, that I have little more to add than to express my concurrence in what has been advanced.

In 1839 the elder branch of the late Rajah's family, with whom the Treaty of 1819 had been contracted, was deposed for an infringement of his engagements, and for other reasons which the Government of India deemed of sufficient importance to direct his removal to Benares.

His brother, the late Rajah, who recently died at Sattara, left no issue, but, a few hours previous to his death, he adopted a youth distantly connected with the family as his heir.

The rite of adoption is in strict accordance with Hindoo law and usage, and fully recognised by the British Government.

The ceremony was duly performed at the suggestion and under the advice of the Brahmins, by which proceeding it obtained a religious character, and invested the adopted son with a title to the inheritance of the private rights and property of the deceased.

Doubts, however, are now entertained, and I think very justly, of the right the boy possesses, under this adoption, to succeed to the sovereignty of the Sattara Territory.

To render such claim to a Principality by adoption valid, the sanction of the Paramount Authority is, by established custom of the country, indispensable. That sanction has not been obtained, nor should it, I think, in the present instance, be granted, for the reasons assigned by the Governor General and in the other Minutes submitted.

As the Government holds the right to confirm, they have also the full power to withhold their sanction.

Should it be ultimately decided that the adopted son of the late Rajah shall succeed to the sovereignty of the Sattara Territory, as suggested by Sir G. Clerk, I am not aware that any practical inconvenience would result, in a Military point of view, from its being situated between two of our Divisions.

As a general rule, however, the absorption of small independent Principalities, which happen to be surrounded by our territories, will not

always, in my opinion, tend to augment our power; on the contrary, it appears to me that such a policy would be apt to weaken it (except in special cases) by extending the British possessions beyond the limits to which our supervision could be safely and effectually afforded.

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Copy of a Minute by the Hon'ble F. MILLETT,—(dated the 6th September 1848.)

THE Minutes received from the Government of Bombay and that of the Governor General have exhausted this very important subject, and I shall, therefore, confine myself to a brief record of my opinion upon it.

2. It is to my mind clearly established as a constitutional principle that an adoption gives no title to succession to a Sovereignty or Principality unless recognized and confirmed by the Paramount Power; and that the Paramount Power is unfettered in the exercise of its discretion to grant or withhold that confirmation save by the dictates of a sound policy as applicable to the circumstances of each particular case.

3. There is nothing in the Treaty of 1819 to warrant the inference that the British Government intended to waive this prerogative in the case of the Sattara State: no reference is made to the right of adoption in the correspondence of the time, but the supremacy of the British Government is therein insisted on as a point of vital importance. As respects the Treaty of 1839, we have the explicit declaration of the Governor of Bombay, by whom it was made, that no such intention was entertained by him. The late Rajah admitted the principle; the late Ex-Rajah did not deny it; and the Sattara State acted upon it in its dealings with its own dependencies.

4. On the general question of annexation I agree with those who think that, when, by the failure of heirs natural in the families of Native Princes or Chiefs, we acquire a title to territory on which no shadow of doubt rests, it is wise and politic to take the benefit of it, unless in any case special reasons exist for pursuing a different course. We bear an unequal burthen in having to provide for the general defence and security

of the country, whilst a very large portion of its revenues remain at the disposal of others, and the intersection of our territories by many Native States interferes with measures of general improvement. I believe it to be for the best interests of the people that our direct administration should gradually extend itself over the whole country comprised within the bounds of British India, for, even under the most favorable circumstances, the benefits of Native rule are transient, dependent upon the personal qualities of the reigning Prince, without security for the future.

5. In the particular case before us the considerations which in 1818 led to the creation of the State of Sattara no longer exist, or operate with greatly diminished force, whilst, on political, military, and financial grounds, there are now strong reasons for adopting an opposite course. The assumption of the country by us will affect injuriously only local interests; the old and respectable families connected with the Durbar will lament the extinction of the dynasty of Sivajee and feel the loss of influence and employment; and the sudden cessation of the expenditure occasioned by the presence of a Native Court will affect the industrious classes in the city and its neighbourhood: these are among the immediate evils attendant upon all great changes, and, however much to be regretted, cannot be avoided.

6. I agree with the Governor General that it is expedient to resume the Sattara Territory and annex it to our own.

7. I concur in the propositions contained in the 35th, 36th, and 39th of his Minute regarding a provision for the Ranees and retainers of the late Rajah and the foundling he commended to our care, for his adopted son if the private property to which he is entitled prove insufficient, and for the deserving servants of the State; and that the changes in the Administration should be introduced gradually and tenderly.

8. I also think, for the reasons stated in the 37th and 38th paragraphs, that it will be politic to allow a provision for the adopted son of the Ex-Rajah, whose claim to succeed to the Raj is of course inadmissible.

Copy of a Despatch from the Hon'ble the Court of Directors,—(No. 4, dated London, the 24th January 1849.)

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3. The late Rajah died without issue, but adopted, a few hours previously to his death, a boy distantly related to his family.

4. The adoption, it is presumed, is valid in respect to the private property of the Rajah. The question is, whether the adopted son should be permitted to succeed to the Principality of Sattara.

5. This subject has been maturely considered first by two successive Governments of Bombay and afterwards by you: and most of the members, both of your Government and of that of Bombay, have recorded their sentiments in Minutes which have been transmitted to us.

6. The questions for consideration are *first*, whether we are bound by Treaty or other positive obligation to allow the transmission of the Sattara Raj to adopted heirs; and, *secondly*, assuming that we are free from any such obligation, whether such transmission would be expedient.

7. Sir George Clerk has expressed on both these questions an opinion in the affirmative; the negative is maintained by his colleagues, Mr. Reid and Mr. Willoughby, by his successor, Viscount Falkland, and by your Government; the Governor General and two Members of Council having recorded that opinion in Minutes. Sir T. H. Maddock, being absent from the Presidency, has not expressed his sentiments on the subject.

8. We have read these various papers with the greatest attention, and have weighed all the considerations set forth in them with a deep sense of responsibility. The result of our deliberation is, that, concurring with you in opinion, we are fully satisfied that by the general law and custom of India a dependant Principality, like that of Sattara, cannot pass to an adopted heir without the consent of the Paramount Power; that we are under no pledge, direct or constructive, to give such consent; and that the general interests committed to our charge are best consulted by withholding it.

9. The pretensions set up in favor of the adopted son of the Ex-Rajah being wholly untenable, and all claims of collaterals being excluded by the fact that none of them are descended from the person in whose favor the Principality was created, the Ex-Rajah, Pertaub Singh, it follows that the territory of Sattara has lapsed, in failure of heirs, to the power which bestowed it, and we desire that it be annexed to the British dominions.

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Copy of a Despatch from the Hon'ble the Court of Directors,—(No. 34, dated London, the 2nd August 1854.)

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2. The Rajah of Jhansi adopted one of his cousins as his son, and his widow has demanded that this boy should be acknowledged as the future ruler of the Principality; but, after full consideration of our relations with this State, you have determined not to recognize the adoption as conferring any right to the succession.

3. In 1804 a Treaty was concluded with Sheo Rao Bhow, Subadar of Jhansi; that Engagement was merely personal. In 1817 the British Government “resolved to declare the territory of Jhansi to be hereditary in the family of the late Sheo Rao Bhow, and to perpetuate with his heirs the Treaty concluded with the late Bhow; accordingly, a Treaty was made with Rao Ram Chund, grandson of Sheo Rao Bhow, by the second Article of which the British Government consents to acknowledge, and hereby constitutes, Rao Ram Chund, his heirs and successors, hereditary rulers of the territory enjoyed by the late Rao Sheo Bhow.” By an indulgent construction of this Engagement, it was held not to be confined to the lineal descendants of Rao Ram Chund, but to extend to the lineal descendants of Sheo Rao Bhow. There is no such descendant now living, and we have no hesitation in approving your intention to annex the territory of Jhansi to the British possessions; and you will make such provision for the widow or widows of Gungadhur Rao as you may deem expedient.

4. You "have come to a contrary decision in the case of the Tehree State, which stands" (you say) "in a different relation to the British Government; and the Chief of this State having died without issue, and without having adopted a son, you have directed such measures to be taken for its continuance under a Native ruler as seemed to you best under the very peculiar and complicated circumstances of the case."

5. Those circumstances were, that the late Rajah, Soojan Singh, was the adopted son of his predecessor, Tej Singh, to whom he appears to have stood by birth in the relation of a son of a first cousin (Major Malcolm calls him Tej Singh's nephew); that Soojan Singh had died at the age of 19, leaving a widow, but no heir of his body, and without having had recourse to the ceremony of adoption; having, however, nominated as his successor Deva Singh, by birth a first cousin, and a man of mature age, who accordingly claimed the Raj, and whose claim was supported by one party in the State, having on their side the youthful widow of Soojan Singh; and that, on the other hand, Deva Singh's claim was opposed by a powerful section, at the head of which was the Sorae Ranee, who claimed the Raj for herself, because, though not the widow of Tej Singh, she was Regent of the State for several years during the minority of the last Rajah, Soojan Singh.

6. The measure taken by you under these circumstances was the approval of the suggestion made by the Political Agent, Major Malcolm, that the neighbouring Boondela Chiefs should assemble and indicate the nearest collateral heir to the late Rajah capable of adoption; that this child should be adopted by Durayee Ranee, the widow of the late Rajah; and that, when that adoption had been made, the Sorae Ranee should become the actual ruler of the State under the title of Regent, her authority being limited to the duration of the young Rajah's minority, or to that of his life if he should die during his minority.

7. We agree with you that there is an essential difference between the cases of Jhansi and Tehree (or Oorcha); and that, in the latter case, one of the Native family, by whom, as recognized in the Treaty of 1812, this State has been held in possession for successive generations during a long course of years, should be placed on the guddee.

8. If, therefore, a regular adoption of a successor to Soojan Singh had been made in due form, we should not have hesitated to give political effect to the adoption.

9. No such adoption having taken place, we should have been prepared to sanction the succession of the nearest collateral heir, unless there was some such strong objection to the person who might stand in that relation to the Chiefship as exists in the case of Deva Singh.

10. In that case we should have approved of your selecting and placing on the throne the nearest heir to whom such an objection did not apply.

11. It appears to us that this course would have prevented you having recourse to the Chiefs of neighbouring States, or forcing an adoption on the widow of Soojan Singh, or placing the Regency in the hands of the Sorae Ranee, who seems little trustworthy; and, whilst it would have been as little opposed to Hindoo customs as the arrangement which has been made, it would have placed both the succession and the Government of the country on a more intelligible footing.

12. Entertaining these opinions, we regret that, whilst we entirely concur in maintaining a Native ruler in this State, we are not able to express our approbation of the mode which you have adopted for attaining this end; and we must add that in this case, as in that of Kerowlee, it would have been better to have afforded the Government at Home the opportunity of pronouncing an opinion upon so novel an arrangement before you authorized Major Malcolm to carry it into effect.

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Copy of a Despatch to the Hon'ble the Court of Directors,—(No. 14, dated the 8th February 1855.)

WE have the honor to acknowledge your Despatch, No. 34, of 1854, dated 2nd August last, in which you object to the orders passed by this Government on the case of the Tehree succession, and express your opinion that "in this case, as in that of Kerowlee, it would have been



better to have afforded the Government at Home the opportunity of pronouncing an opinion upon so novel an arrangement before we authorized Major Malcolm to carry it into effect."

2. It seems that in the case of Tehree your Hon'ble Court would have gladly given political effect to an adoption, and that, in the absence of an adoption, you would have sanctioned the elevation to the guddee of the nearest of kin, to whom no such objection as that which existed in the case of Deva Singh applied; and you say that this course would have prevented the Government of India "from having recourse to the Chiefs of neighbouring States, or forcing an adoption on the widow of Soojan Singh, or placing the Regency in the hands of the Sorace Ranee, who seems little trustworthy; and, while it would have been as little opposed to Hindoo custom as the arrangement which has been made, it would have placed both the succession and the Government of the country on a more intelligible footing."

3. In reply, we beg to submit the following observations for the consideration of your Hon'ble Court:—

4. On the 18th January 1854 the detailed Report of the Political Agent on the affairs of Tehree was received. Political Agent, No. 3, In this Report, after sketching briefly the history of the State and our connection with it since 1812, and alluding to recent occurrences, the Political Agent distinctly states, that, though "nothing has yet taken place to disturb the tranquillity of Tehree, the present arrangement cannot with safety be continued for any length of time," and he requests that he "may be favored, *as early as practicable, with the decision of Government*" on certain points which he proceeds to specify: these relate to the claims advanced by Deo Singh, by the Ranee of the late Rajah Soojan Singh, and by the Sorace Ranee. This Report also informed the Government that there were two parties in Tehree entertaining the most virulent animosity and hostility to each other, the one headed by the claimant, Deo Singh, and the other by the Sorace Ranee, and that, pending the final orders of the Government, the administration of the country was being carried on by the Ministers of the late Rajah, "bad as they are."

5. On the 11th February the Political Agent, Major Malcolm, again addressed the Government, stating that, though everything had been up to that time progressing favorably, the arrangement which he had made "*ought not*, from the character of the persons employed, to be continued for any length," and requested again to be favored with the orders of Government "*as early as practicable.*"

6. On the 25th February the Governor General recorded his opinion on the case, stating as his reason for doing so without awaiting the receipt of further information which had been promised, that "the Agent now urgently requests that the decision of the Government upon the main question of the succession may be announced without delay."

7. It appears from the foregoing abstract of the Reports that the Local Officers were not without apprehension that the peace would be disturbed; that there was good ground for such apprehension in the virulent opposition of the two parties which divided the State, no less than in the "character" of the Ministers of the late Rajah, through whose agency it was found necessary, objectionable as the plan was, to carry on the administration of the country pending the announcement of the decision of Government upon the question of the disputed succession. The Political Agent and his Assistant were anxious that the uncertainty which threatened disturbance of the public peace should be removed, and repeatedly pressed to be favored with the orders of Government "*as early as practicable.*"

Under these circumstances, we respectfully submit that the act of the Government in announcing its decision without a previous reference to your Hon'ble Court was not precipitate, as implied in the Despatch under notice; we think that it was fully justified by the anxious representations of the Political Officers, and by the obvious expediency, not to say necessity, of taking immediate steps to prevent absolute anarchy in Tehree; and that the delay which a previous reference to your Hon'ble Court must have involved would have been injurious.

8. With regard to your Hon'ble Court's objection that the arrangement was a "novel" one, we beg to state that the orders issued by

us were "that the neighbouring Boondela Chiefs should be asked to advise the Government of India as to who is the nearest collateral heir to the late Rajah capable of adoption: the boy who may be indicated by the Chiefs should be permitted to receive adoption from the Durayee Ranee, the widow of the late Rajah." Your Hon'ble Court, it is presumed, regard either the reference to neighbouring Chiefs, or the proposed adoption by the late Rajah's widow without his express permission, the "novel" part of the arrangement. The first, however, is not, we submit, a new feature in cases of succession; the following instances will show that in analogous cases neighbouring Chiefs have been consulted: in the case of Ahmednuggur or Edur (which is noticed in

the Governor General's Minute, dated 26th  
 Abstract, No. 12.  
 Letter to Court, No. 12, March 1853, on the case of Kerowlee,) questions  
 dated 4th February 1854. were framed and submitted to the Durbars of  
 Oodeypoor, Jodhpoor, Jyepoor, Bickaneer, and Boondée.

9. Again, on the death of the Chief of Seekur, the pretensions of his half-brother, Bhyroo Singh, were disputed, and the point was referred to the Shekhawattee Chiefs for their opinion.

10. In the States of Rajpootana it is a standing rule that the "Chiefs and Councillors of the Principality" shall be consulted in all doubtful cases of succession.

11. These cases show that the tendency of the past practice of the Government in all disputed and doubtful questions of succession has been to consult the neighbouring Chiefs, whose position and personal knowledge qualify them to give a confident opinion. Indeed, in the case of Tehree, it would have been futile to consult the "Chiefs and Councillors of the State" (supposing that had been the ordinary course), for two factions, virulently opposed to each other, divided the State; and all whose advice might have been sought would have been found ranged on the side of the one party or the other.

12. If, on the other hand, your Hon'ble Court regard the adoption by the Ranee, after the death of the Rajah, and without his express permission, as the "novel" part of the "arrangement," we beg to observe that, on the death of Ruttun Singh, of Bijawur (one of the Bundelkhund

States), without male issue, the elder Ranee adopted Lutchmun Singh, which adoption was made apparently without *any express permission* from the Rajah, although a knowledge of his "intention" was alleged.

13. Another notable instance of adoption by the Ranee, after the death of the Chief, and without express permission, in other than the States of Bundelkhand, is to be found in the case of the Gwalior succession, 1826-27. Dowlut Rao Scindiah died 21st March 1827. "Without the formal appointment of any successor, either by adoption, by a regularly-executed Will, or by any distinct declaration on his deathbed," the Baiza Bae, his widow, adopted one Moogut Rao, who was installed on the 18th June 1827, under the name of Junkojee Rao Scindiah : this adoption was recognized by the Government of India.

14. An instance in one of the Rajpootana States also is mentioned by Major Malcolm in his letter, dated 8th January 1854, alluding (page 25) to the rule that an adoption can only be made when the widow has obtained the assent of her husband to the same : he observes that, though this may be in strict accordance with Hindoo law, it is not in conformity with practice, and he mentions, as within his own knowledge, the adoption of Tukht Singh by the widow of Maun Singh, of Jodhpoor.

15. But besides characterizing the "arrangement" as "novel," your Hon'ble Court indicate your preference for the selection of the nearest collateral heir, and say that this would have prevented the Government of India from "forcing an adoption on the widow of Soojan Singh, or placing the Regency in the hands of the Sorae Ranee, who seems little trustworthy." On this part of the subject we would observe that the Government, having determined that Tehree should remain in the hands of a Native ruler, and having to deal with a case almost unprecedented, had to select the course which was most calculated to conciliate and unite the contending parties in the State, to maintain tranquillity, and at the same time to do what was just. The course which appeared to us most likely to accomplish these ends, and also that most in consonance with usage, was to bring about an adoption, and no one but the Ranee of the late Chief could legally make an adoption.

There was no injustice in calling on the Durayee Ranee to make an adoption, for in Bundelkhund female succession appears to be barred, and she would be in a better position as the adoptive mother of the future Chief, than if the next collateral heir, possibly an adult, had been selected.

16. And as respects the Sorae Ranee, Major Malcolm, though ill inclined towards her, was decidedly of opinion that the Regency should be conferred on her; she had managed the State for eleven years and more, possessed great influence, had the support of the strongest party in the State, and was most likely to "enforce the authority of Government and the maintenance of order." All these points

Governor General's Minute, dated 25th February 1854.

were fully discussed in the Governor General's Minute on the case, and there also the objections to the selection of the next collateral heir were

stated as being contrary to all law and usage, and certain to put an end to all hope of preserving tranquillity; besides, it was shown by Major Malcolm in the letter above cited, that

No. 10, dated 7th February 1854.

it would be a task of very great difficulty to declare who was the nearest collateral heir; all,

who could be supposed to have any pretensions whatever, were very distant indeed.

17. We trust that the preceding remarks will satisfy your Hon'ble Court that the delay which would have been incurred by awaiting the expression of your pleasure in the case of Tehree was forbidden by the threatening aspect of affairs after the death of the Rajah, and would, in all probability, have proved injurious; that the course of the Government in consulting the neighbouring Chiefs on a question of doubtful succession was not without precedent; and that its act in sanctioning an adoption by the widow, though no express authority from the deceased husband should be proved, was not novel.

Your Hon'ble Court, in your Despatch on Tehree, incidentally observe that the Home Authorities should have been allowed an opportunity of pronouncing an opinion on the Kerowlee case before the succession of Muddun Pal was allowed; but a separate Despatch, dated 5th July last, on the subject of Kerowlee, has been received, and in the

9th and 10th paras. of it you take exception to the course followed by the Government, observing "so far as we had given an opinion, our opinion had been given in favor of Bhurt Pal, and there was no necessity for immediate action, as the people of Kerowlee would not have suffered by the continuance of British management for a few months longer."

18. With regard to these remarks of your Hon'ble Court, we beg to state that, though the rebellion at Narowlee in favor of Muddun Pal had been repressed by the promptitude and vigor of Sir H. Lawrence's proceedings, and though, since that demonstration, no disturbances had occurred in Kerowlee, and the active movement in favor of Muddun Pal had apparently subsided, the question of the succession to the vacant throne had been pending since July 1852, or for a period of 18 months, and the further postponement of our decision until your pleasure might be expressed would, perhaps, have been hazardous. There seemed the less necessity for such postponement as the point previously submitted to your Hon'ble Court was not a personal one between the two kinsmen, Bhurt Pal and Muddun Pal, but a general one, *viz.*, whether there should be any adoption at all, and also because Sir H. Lawrence's elaborate Report left no room to doubt that the adoption of Bhurt Pal was wholly informal, and that Muddun Pal was the rightful successor to the throne of Kerowlee.

19. In the 11th paragraph of your Despatch, No. 30 of 1854, dated 5th July, you express a hope that "the previous opinion of this Government has not been made known at Kerowlee, otherwise we should regret exceedingly such an appearance of the want of sufficient consideration on the part of the Government."

20. In answer to this, we can assure your Hon'ble Court that neither the orders which were first issued, under date the 20th July 1852, desiring the Governor General's Agent to "discountenance" an adoption, nor the opinion subsequently expressed by us favoring the validity of the adoption of Bhurt Pal, was divulged at Kerowlee. In communicating the former to the Political Agent at Kerowlee, Colonel Low addressed him in the Secret Department; and, as regards the latter, the proclamation which Colonel Low issued is most cautiously worded, and gives no inkling whatever of the opinion which we had expressed: it merely

informs the people that the case has been referred to the Hon'ble Court; that, pending orders, people had better be quiet; and that those who disregard this injunction will be severely punished. As there is now no question of any step to be taken in the cases of Tehree and Kerowlee, and as this letter discusses the propriety of orders issued by the Governor General in Council before Messrs. Grant and Peacock were Members of the Government these gentlemen deem it becoming to abstain from any expression of opinion on the subject.

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